

ZB# 91-33

Schoonmaker Homes, Inc.

80-6-12

Notes

Nov. 25, 1991

App. finished 4/28/92.

Need: Motion to shed.

- ① Copy of Deed
- ② Title Report
- ③ Photos.

Public Hearing

June 8, 1992

Notice to Sentinel
on 5/20/92 ✓

OCPD - now.
notified on 5/21/92.

Tabled to

6/22/92 for
site visit

June 22, 1992

P.H. continued

Denied

(over)

Adjourn Time:

However, the Town
gave back to
Andoom the
easement area
which it took
for construction
of a sewer easement.
This resulted in
Andoom not needing
an area variance
after all.

TOWN OF NEW WINDSOR
555 Union Avenue
New Windsor, NY 12550

GENERAL RECEIPT

12768

Received of Orion Development Corp., Inc. \$ 50⁰⁰/₁₀₀

Fifty and 00/100 DOLLARS

For Variance (Lot 238) # 91-33

DISTRIBUTION:

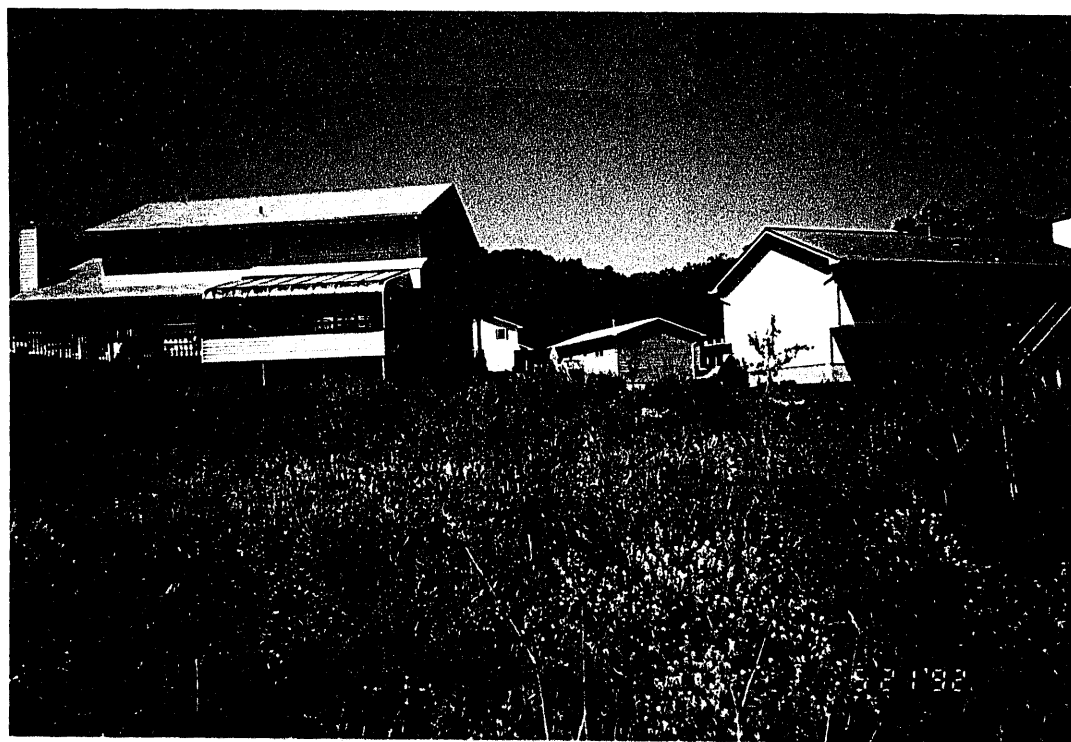
FUND	CODE	AMOUNT
Check # 1223		\$50.00

By Pauline N. Townsend

Town Clerk

Title

© WILLIAMSON LAW BOOK CO., VICTOR, N.Y. 14564



Lot # 219 - Two Bo 30
Woodlawn Ave

Check # 1223		\$50.00

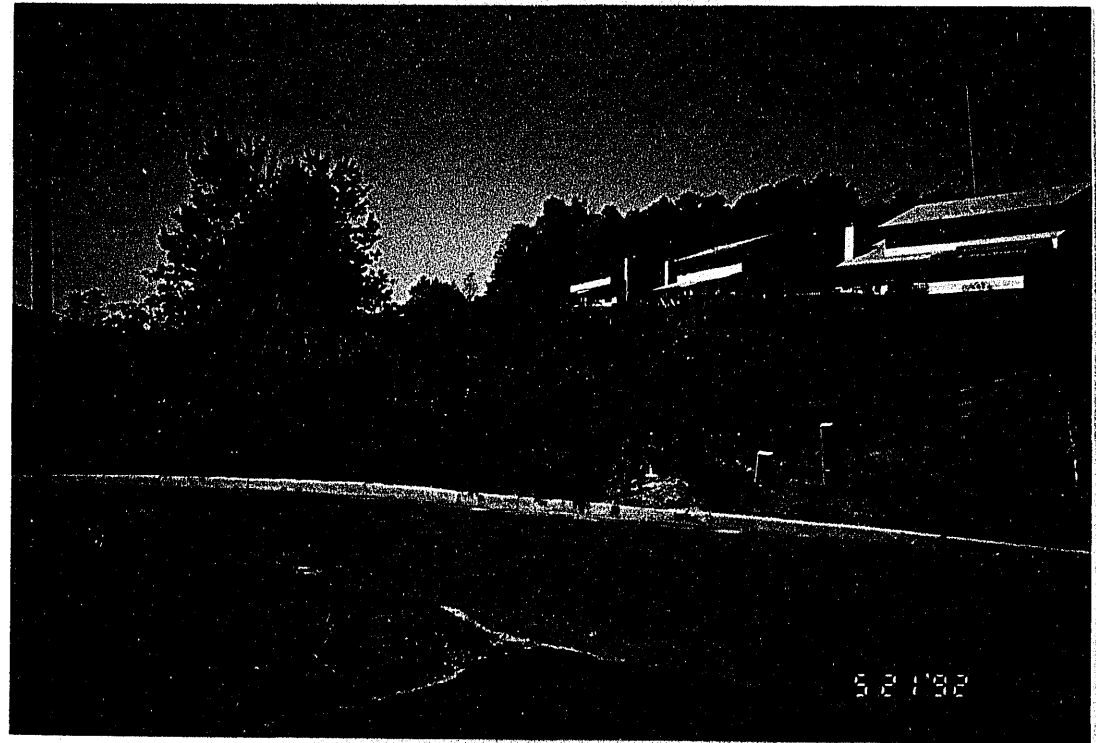
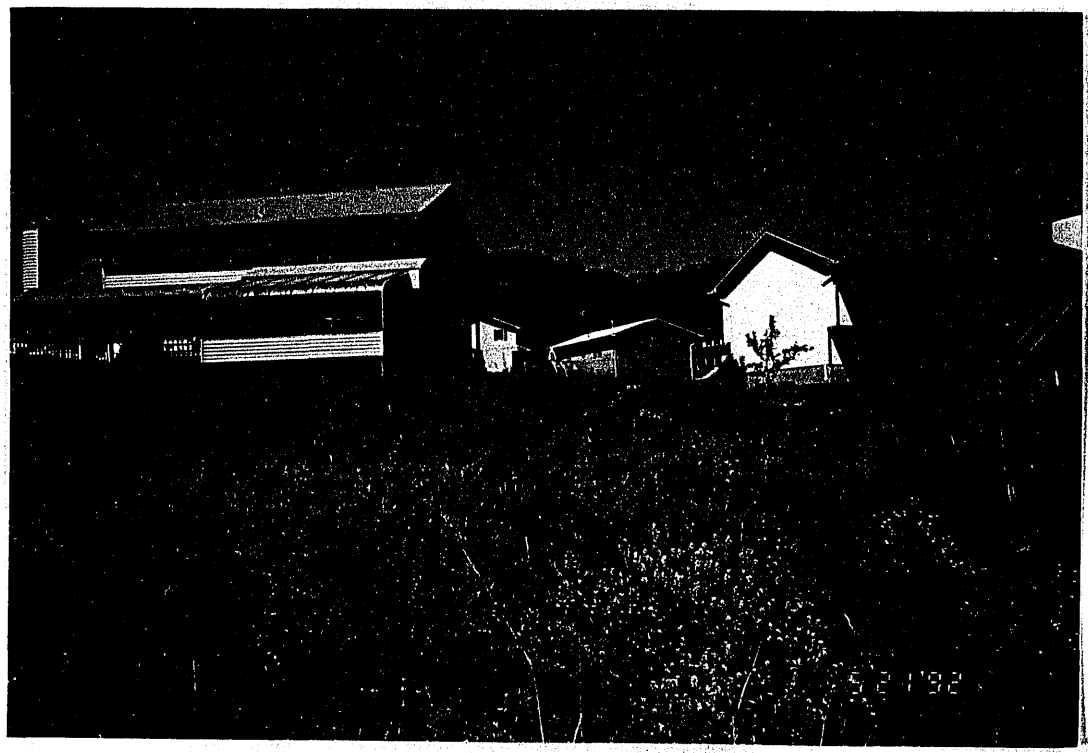
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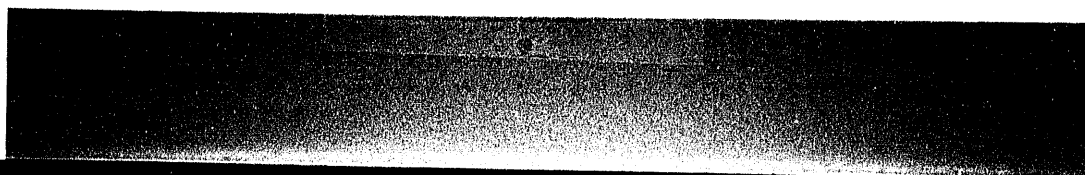
By Robert A. Williamson

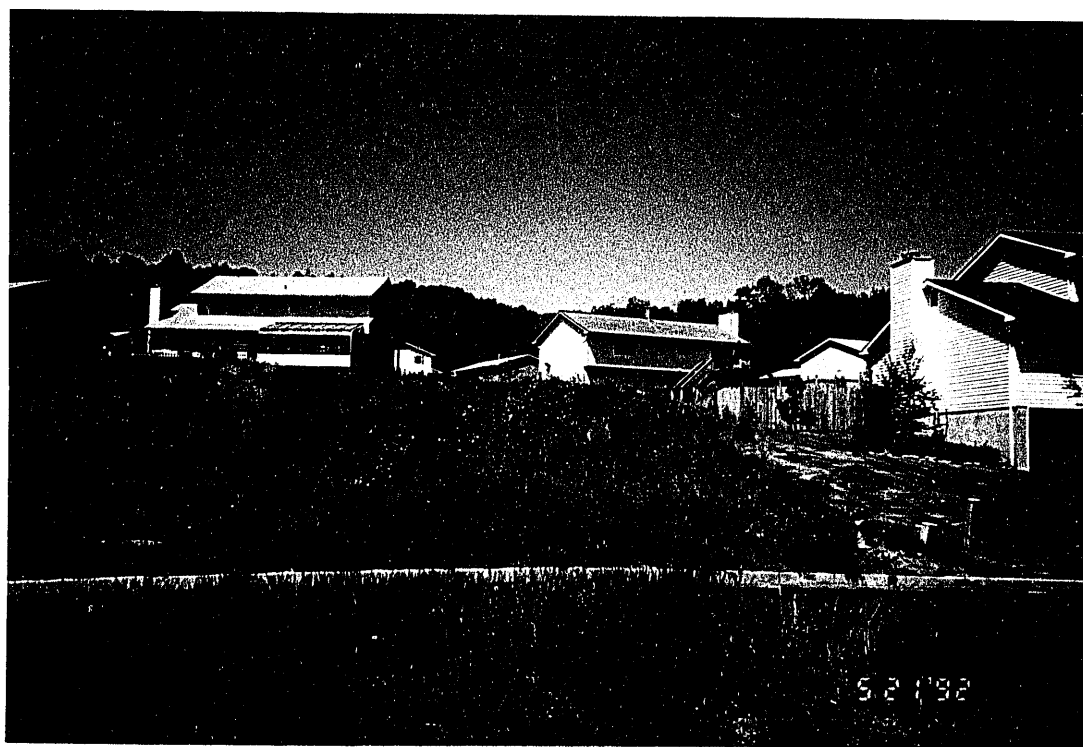
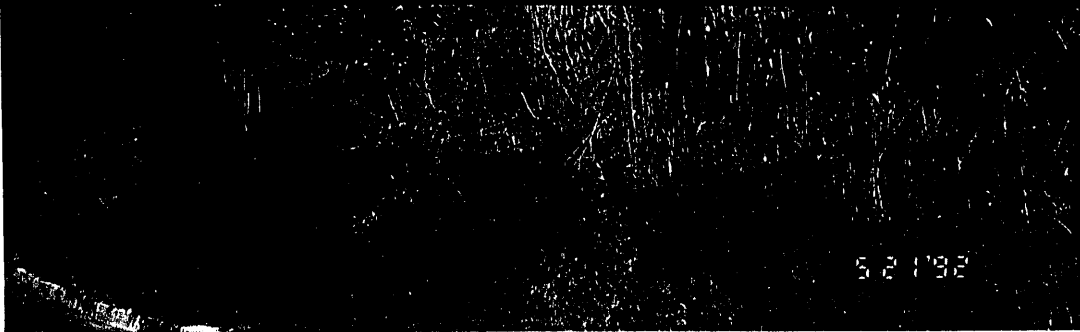
Town Clerk

Title

Co # 219 - Two BoBs
Woodlawn Ave







APPLICATION FEE (DUE AT TIME OF FILING OF APPLICATION)

APPLICANT: Andoom Dev. Corp. Inc.

FILE # 91-33

RESIDENTIAL: \$50.00

COMMERCIAL: \$150.00

APPLICATION FOR VARIANCE FEE \$ 50.00

* * * * *

ESCROW DEPOSIT FOR CONSULTANT FEES \$ 250.00

DISBURSEMENTS -

STENOGRAPHER CHARGES:

PRELIMINARY MEETING - PER PAGE 10/25/91 7 pages \$ 31.50
2ND PRELIM. MEETING - PER PAGE 6/8/92 15 " \$ 67.50
3RD PRELIM. MEETING - PER PAGE 7/1/92 20 pages \$ 90.00
PUBLIC HEARING - PER PAGE \$ _____
TOTAL \$ _____

ATTORNEY'S FEES:

PRELIM. MEETING-	_____	HRS.	\$ _____
2ND PRELIM.	_____	HRS.	\$ _____
3RD PRELIM.	_____	HRS.	\$ _____
FORMAL DECISION	_____	HRS.	\$ _____
TOTAL HRS. _____ @ \$ _____		PER HR.	\$ _____
		TOTAL	\$ _____

MISC. CHARGES:

_____ \$ _____
TOTAL \$ _____

LESS ESCROW DEPOSIT . . . \$ _____
(ADDL. CHARGES DUE) . . . \$ _____
REFUND TO APPLICANT DUE . . \$ _____

ANDOOM DEVELOPMENT CORP. INC.
33 SWEET BRIAR ROAD
STAMFORD, CT 06905

1222

1-108/280

May 18, 1992

PAY
TO THE
ORDER OF

Town of New Windsor

\$ 250.00

= Two Hundred Fifty & 00/100 =

DOLLARS



VAILS GATE OFFICE
MARINE MIDLAND BANK, N.A.
VAILS GATE, NEW YORK 12584

FOR

LOT 238 Variance 91-33

David V. Lyden

⑈001222⑈ ⑆028001081⑆ 078⑈75225⑈L⑈

ANDOOM DEVELOPMENT CORP. INC.
33 SWEET BRIAR ROAD
STAMFORD, CT 06905

1223

1-108/280

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TO THE
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\$ 50.00

Fifty & 00/100

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FOR

LOT 238 Variance 91-33

David V. Lyden

⑈001223⑈ ⑆028001081⑆ 078⑈75225⑈L⑈

-----X
In the Matter of the Application of

ANDOOM DEVELOPMENT CO., INC.

DECISION DENYING
AREA VARIANCE

#91-33.
-----X

WHEREAS, ANDOOM DEVELOPMENT CO., INC., a corporation having an office at 33 Sweet Briar Road, Stamford, Connecticut 06905, has made application before the Zoning Board of Appeals for a 24 ft. 6 in. street frontage variance in order to construct a single-family residence on building lot #238 on Butternut Drive in the Butter Hill Development which is a cluster (CL-1) zone; and

WHEREAS, a public hearing was held on the 8th day of June, 1992, and continued on the 22nd day of June, 1992, before the Zoning Board of Appeals at the Town Hall, New Windsor, New York; and

WHEREAS, Leigh K. Lydecker, Jr. appeared in behalf of the applicant corporation and brother, Garret Lydecker; and

WHEREAS, there were 21 spectators appearing at the public hearing; and

WHEREAS, many of the spectators spoke in opposition to the application before the Board stressing the safety issue; and

WHEREAS, the Zoning Board of Appeals of the Town of New Windsor makes the following findings in this matter:

1. The notice of public hearing was duly sent to residents and businesses as prescribed by law and published in The Sentinel, also as required by law.

2. The evidence presented by the applicant showed that:

(a) The applicant is applying for a building permit to construct a single-family residence which is proposed for a neighborhood of one-family residences in a cluster (CL-1) zone.

(b) If the request for 24 ft. 6 in. street frontage variance is granted, the applicant proposes to erect a one-family structure on building lot #238 in the Butter Hill Subdivision.

(c) The proposed building is equal to or smaller than others in the neighborhood in size.

(d) The lot as it presently exists was part of a cluster subdivision which was previously approved by the Planning Board of the Town of New Windsor.

(e) The required road frontage for a cluster zone is 60 ft. Applicant cannot meet this requirement since it gave a

gratuitous sewer easement to the town and this easement area was deducted from the total street frontage.

WHEREAS, the Zoning Board of Appeals of the Town of New Windsor makes the following conclusions of law in this matter:

1. The requested variance will produce an undesirable change in the character of the neighborhood and create a detriment to nearby properties.
2. There are other methods available to applicant which can produce the benefit sought other than the variance procedure.
3. The requested variance is substantial in relation to the town regulations and should not be granted because it would create a safety hazard to the neighborhood.
4. There will be an adverse impact to the neighborhood.
5. The difficulty the applicant faces in conforming to the bulk regulations is not a self-created hardship since the lot was a part of a subdivision approved by the New Windsor Planning Board.
6. It is the finding of this Board that the benefit to the applicant, if the requested area variance is granted, does not outweigh the detriment to the health, safety and welfare of the neighborhood or community by such grant.
7. It is the further finding of this Board that the requested area variance is the minimum variance necessary and adequate to allow the applicant relief from the requirements of the bulk regulations.
8. The interests of justice will not be served by allowing the granting of the requested area variance.

NOW, THEREFORE, BE IT

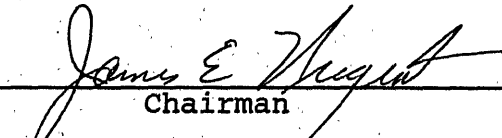
RESOLVED, that the Zoning Board of Appeals of the Town of New Windsor DENY a 24 ft. 6 in. required road frontage variance in order to construct a single-family residence on Butternut Drive in a Cluster (CL-1) zone, as sought by the applicant in accordance with plans filed with the Building Inspector and presented at the public hearing.

BE IT FURTHER,

RESOLVED, that the Secretary of the Zoning Board of Appeals of the Town of New Windsor transmit a copy of this decision to the Town Clerk, Town Planning Board and applicant.

Dated: April 10, 1995.

(ZBA DISK#12-032195.ad)


Chairman

Date 7/13/92, 19.....

TOWN OF NEW WINDSOR

**TOWN HALL, 555 UNION AVENUE
NEW WINDSOR, NEW YORK 12550**

TO Frances Ruth 389 Morris H77 Rd DR.

DATE		CLAIMED	ALLOWED
7/32/97	Zoning Board Meeting	75 00	
	Minutes - 4 pgs	184 30	
	Anderson - 20 pages \$90.00	259 50	
	Sorkello - 5 "		
	Pillitteri / Drinnen - 6 "		
	Borden - 2 "		
	Reed - 5 " <i>Richard Jensen, c.</i>		

June 22, 1992

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Public Hearing:

ANDOOM DEVELOPMENT CO., INC.

Leigh Lydecker came before the Board representing this proposal.

MR. FENWICK: This is a public hearing adjourned from June 8, 1992 for site inspection. This was postponed so that our members could take a look at the property. I have a letter from Mr. Lydecker. It reads as follows:

Gentlemen: Andoom Development Company made application for a building permit on 26 March 1992 to build a house on Builders Lot 238 on Butternut Drive in the cluster zone. The lot is known as Section 80 Block 6 Lot 12 on the tax map.

The application was denied by the Building Inspector on 1 April 1992 for inadequate street frontage for the cluster zone. Please note the denial identifies the street as Creamery Drive, but should be Butternut Drive.

With reference to the street frontage I bring to the Board's attention that the approved drawings for this cluster development require that the frontage at the building line be a minimum of 80 feet as detailed on the overall drawing and detailed on each of the ten approved section drawings. The proposed building on Lot 238 will also meet this 80 foot minimum frontage requirement at the building line.

Please also note that there are eleven houses on approved lots in the development that do not have 60 foot frontage, but do meet the 80 foot minimum at the building line.

At the public meeting of the Board on Monday night 8 June 1992 several homeowners expressed concern in regard to the sight distance and grade of the road coming up from Forge Hill Road.

The Board requested that the property be marked at the curb to assist the Board members to locate the area at a site inspection. This was done with flags on stakes the next morning Tuesday 9 June 1992.

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A site inspection was also made by the undersigned. Butternut Drive has a 5.23% grade going north or coming up from Forge Hill Road. This is well below the 10% allowable. The road then crowns at the site and starts on a 2.09% down grade. The road width is 24 feet. The bend in the road coming up north on Butterhill Drive is 35 degrees 32 minutes 59 seconds to the west. All in accordance with the approved subdivision drawings.

The sight distance looking down Butternut Drive from the lot toward Forge Hill Road is 120 feet. If the town were to cut the tall grass and vegetation on the sewer easement the sight distance would be increased.

If the site was developed the grading, clearing and landscaping of the site would improve the drainage, sight distance and appearance of the property.

The sight distance, grade and curve in the road are all well within the requirements for a residential development.

After a review of the approved drawings and an inspection of the site it is apparent that all conditions and requirements have been met and that the site should be accepted as an approved building lot.

Very truly yours, Leigh K. Lydecker, Jr., P.E.

MR. LUCIA: I'd to comment if I could and the point that Mr. Lydecker in his letter of 15 June '92 is making in Paragraphs 3 and 4 it appears that he is running together two separate bulk requirements, the 80 feet that Mr. Lydecker is referring to in the CL zone is an 80 foot minimum lot width requirement that is not relevant to this application. This applicant is before the Board for a variance from the 60 feet required street frontage requirements. So, although what Mr. Lydecker is saying that there is true, it isn't really relevant to the issue that is before the Board at the present time.

MR. FENWICK: We have a letter from the Orange County Department Planning and Development that says there are no significant intercommunity or countywide concerns to bring to your attention. I'll open it back up to the Members of the Board for comments before we open it up to the public.

June 22, 1992

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MR. LUCIA: Since we had adjourned so the Board members could take a look at it, the various Board members have individually taken a ride by the property and have had a chance to look at it since the last meeting.

MR. TORLEY: I think the point of the weeds and cattails and rushes in there is well taken, that is a major problem for the sight line problem. I'd like to have the Town Engineer take a look and see if it does meet the standards that are there now.

MR. FENWICK: From what I can tell, the only that it is lacking is the frontage; is that correct?

MR. BABCOCK: Yes. Well, the road has been dedicated to the town. If it exceeded the grades in the slopes, I would assume that they would have not accepted it for dedication. I can tell you that the road is not 10%, that is for sure and that is allowable by Town of New Windsor standards.

MR. TANNER: I think that the problem is that little bend right at the top, but I had to agree with Larry at least when I walked the property up and down the street there, if those weeds were trimmed down, that would make considerable difference, they are pretty tall.

MR. TORLEY: I was waiting for something to come out of the weeds, they were so tall.

MR. FENWICK: Is it established, maybe I can ask Mr. Lydecker, do you know if those weeds are on town property?

MR. LYDECKER: Weeds are pretty much marsh grass is pretty much on the sewer easement. I would comment that on Tuesday we did go flag the stakes on the property, and those stakes and flags were subsequently removed so we came back and did paint the curb with brown paint and I'd also note that we are also willing to provide any signs that the Board feels is necessary to control traffic coming up the hill. There is a sign there, there was a sign there this afternoon limiting the speed to 30 miles an hour. We have in the past put signs in the development but they were not legal signs and had been removed, I presume, by the town but if the Board wants signs and can coordinate it with the town, we'd be

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glad to pay the expense of the sign if that would relieve the problem.

MR. FENWICK: I don't -- I myself don't see the sign as even if it would help out that there'd be a curb, the biggest problem I saw is the weeds, that is the biggest thing that I saw. If the weeds were gone, those weeds are well over 6 feet tall, you can't even come up the hill, you can't see the house on the left-hand side until you are at the top of the hill because of the weeds.

Anymore comments from the Members of the Board? I'm going to open it up to the public, try to give your name, your address, try to brief with your statement and to the point. Raise your hand to be recognized.

SUSAN HERLIHY: 348 Butternut Drive. Can I ask if a video is admissible? We took a little tape in case some of the Board members were not able to go.

MR. FENWICK: I think there was only one member that wasn't able to go look.

MRS. HERLIHY: I wasn't here for the whole thing but is it half and half kind of between some people think it's --

MR. FENWICK: Only one that didn't go.

MRS. HERLIHY: As far as what your feelings are on the curve, some people thought it was dangerous and some not or what was the consensus?

MR. LUCIA: The Board has not yet voted, the Board hasn't indicated any response to that. At this point we are simply accepting information, you're certainly welcome to submit a video. I think the technical problem we have is unless you brought a means to display it, the applicant obviously should have an opportunity to view it along with the rest of us and to comment on it so that is up to the Board.

MRS. HERLIHY: I wanted to make sure cause it's kind of heavy but we can get to that and other people can.

MR. FENWICK: Before we go on with this, I'd like to suggest if there's anyone else who has anything to say

that they do it now. We can get that out of the way. I'm not trying to put you off but if there is other comments. Anyone else?

RAY VILLAFANE: I live at 11 Shaker Court. I have kind of a question and the question is if the site does not meet particular requirements for building and the overwhelming feeling of the neighbors is that there should not be a house built on that lot, should that not be taken into consideration? Why would a variance be granted when basically the neighborhood really feels it would be dangerous to have a house built on that lot?

MR. LUCIA: The Zoning Board of Appeals sits very much as a Court of Appeals and has very limited jurisdiction. It does not vote based on a referendum or popularity contest or what the neighbors do or do not want. The neighbors' feelings to the extent they are relevant to the issues, the Board must consider are certainly always considered. But, it's not a popularity contest be it pro or con.

The Zoning Board of Appeals because sits very much as a Court of Appeals has defined standards that must be found in order for any variance to be granted. This is an area variance, the standard the Board has is called practical difficulty. The applicant in order to establish practical difficulty has to show what is called significant economic injury, that is why the applicant is here. He's saying he's gone through a long planning and subdivision process. He has has this lot approved by the Planning Board. He has held onto it for a number years, has gone to the Building Inspector and applied for a building permit and was denied for insufficient road frontage.

Because of that, he's coming to this Board, the economic injury obviously he's pleading is he has a fair amount of money involved in planning and subdivision of this property. Had a lot that he thought legitimately was a building lot. The Building Inspector has said no, I can't issue a building permit on that lot because it does not have street frontage.

He, therefore, appeals that decision to this Board and that is the function of this Board is to determine whether or not to relieve the applicant from that street frontage requirement. So, the neighbors' comments

really need to be focused on that significant economic injury issue, not entirely on whether it's popular or unpopular in the neighborhood.

MR. VILLAFANE: Popularity being put aside, there's an economic interest for the person versus also the interest of the neighbors, I would think that should be measured on against the other. It is a neighborhood that is made up of a lot of people that have very strong feelings regarding the building of a house in an area that's deemed, felt to be fairly dangerous. I'll say that is it.

MR. LUCIA: I didn't get as far as the health, safety and welfare issues. Any public body in this State has an obligation to consider health, safety and welfare issues. Normally, in the planning process, those issues are a concern of the Planning Board. That is something at this point for Butterhill is ancient history but the neighbors have come forward with certain evidence that is relevant to that and it's something the Board certainly will consider.

MRS. HERLIHY: Is everything from last time that we had the meeting able to have been read by the Board members? It's pretty much we're just going to reiterate what we said last time.

MR. LUCIA: The minutes were just accepted the first motion at tonight's meeting. So, I would honestly suggest that the Board has a pretty good handle on what has been said. If you have new information, by all means submit it. If it's just a matter of repeating something you said before, I don't think it gains your cause by saying it.

RONALD CABRERA: I live at 4 Shaker Court. The lot that it appears that the correct property behind there also should be considered as it appears not enough back yard, there could be safety thing there because of people who get hurt. If you clear that and put a house there, what does the building need another variance because of almost no lot situation, has that been considered?

MR. LUCIA: At this point, the Board only has before it the application for a variance from the minimum street frontage requirement. We take the applicant's position that he apparently meets all of the zoning requirements.

If he doesn't, he has to come back so it pays for the applicant to cross all his T's and dot all his I's. Based on his own analysis of the lot, it appears this is the only variance he needs.

VINCENT ARCARO: I live at 5 Shaker Court. I didn't notice any kind of markings on the curve? Did you guys get a chance to look at it like we talked about?

MR. TANNER: There is marks.

MR. TORLEY: At least there was.

MR. TANNER: It was there the next day because I was out there the next day.

SANDRA ARCARO: 5 Shaker Court. Doesn't anybody care about our children. We have so many young kids around that area that I feel that if that property, you know, if a house is going to on that property, what about the little kids? There's not enough width to make the turn, if a child is running across the road and somebody doesn't see that car, there are children, mine, I know it's a matter of him making the money but what about our children? That's what I'm concerned about.

MR. LUCIA: The Board is certainly not unconcerned with your children. What I think I explained to Mr. Villafane the primary body that deals with health, safety and welfare issues is the Planning Board and that would have been dealt with years ago when Butterhill first proposed the subdivision.

I think what may have happened and I'm speculating so don't take this as gospel, is the frequently when a large subdivision proposal come in, you're looking at maps that are not a single plan and probably no one realized until it got built out how drastic the grade would be coming from Forge Hill Road and if the weeds got high on the sewer easement, it might well block the view so this Board certainly has an obligation to and will consider the health, safety and welfare issue but it's not this Board's primary obligation to consider those. That would have to be a Planning Board issue.

But, since the neighbors have raised the issue and the Board has taken a look at it and sees what it is you're talking about, I think the Board will factor it into the

determination, certainly. I don't think you should say the Board is not considering your children but it's something that gets factored in along with a number of other aspects.

EDITH CABRERA: 4 Shaker Court. I'm a young adult in this community at Butterhill. I'm a college student full time. And I'm also a big sister. My brother is a boy scout. When we walk the dog, okay, we walk to that portion and it's a nice long walk for the dog, okay, it's very dangerous.

I know and you have already expressed twice that it's not your job as far as safety but I feel that in this situation, it should be one of the considerations that you take one of your main considerations being that the turn is so treacherous, treacherous during torrential rains, treacherous during storm and ice and on that turn that no the city does not, the town does not properly salt that area so when you have that new neighbor coming out of their driveway and somebody coming along and making that turn, and then you throw in another factor of a young boy walking his dog, these are safety elements that certainly should certainly be taken into consideration in this decision. This may not be a safety board but can you deal with a young boy who's legless, who does not have limbs because of an economic gain? Can your conscience deal with that? And I understand again that your main concerns are not with safety but that is for the Planning Board but the Planning Board missed it. Are you also going to miss it and can you deal with it? That's all I have to say.

MRS. HERLIHY: This is the video tape.

MR. FENWICK: Do you have any other comments?

MRS. HERLIHY: No.

(Video tape viewed by Board members as well as audience.)

MARY CABRERA: 4 Shaker Court. I don't know that much about the town ordinance and rules but I do know in other areas prior to putting up safety devices, it comes down how many injuries have been had at that intersection before a traffic light goes up, before a stop sign goes up. How many deaths have to occur before

a traffic light goes up? I would like to know how many of your children will have to be injured before assuming all this goes through the town will go through and widen the road and take adequate measures because there will be unfortunately I hope not but this does go through it's not a question there will be injuries. I'd like to know what mechanism is in place to then widen the street, widen the road, put up some kind of safety device.

MR. LUCIA: That is really something that you'd have to address to the Town Board. The Zoning Board is a very very limited jurisdiction on this matter. We only can consider the singular issue of inadequate street frontage before the Board, many, all of the concerns that the neighbors are noting are not falling on deaf ears. The problem is they are not being expressed to the right body. If you have a problem with the road itself, with the maintenance of the road, with the design of the road, it's now a town road. That is something you'll have to take to the Town Board.

KEVIN MOORE: I live at 22 Creamery Drive. I live in the old part of the development, I used to be when I had Butterhill Homeowner's Association, I used to be the Vice President so I'm not old to the games that we played with this developer. As talking about the width of the street, because New Windsor unfortunately back when this developed did not have hind sight as to what a cluster development was. Mr. Babcock knows I have dealt with him. These are not street legal. For a while the town wanted to put either signs up or paint the curbs yellow because a fire truck cannot go down the street if there is a car on each side of the road.

Now, to the point of this lot this gentleman wants to develop is on the bad bend what happens if he does get passed by the Zoning Board and Town Board and everybody else, Planning Board passes this thing, person has a party on that bend, has a car parked there and there is a fire, what is the fire department going to do, come in Creamery or the main entrance when it can be close to Forge Hill. You're talking about a safety problem, I realize safety is not your thing in life here but to us who live in that development for us and our children safety is a very big issue, whether it be lack of hind sight or what when the development was first built. We have to suffer with what we have, we have problems with

easements, green areas, whatever you want to call them, where the water was pouring down becoming stagnant water which was a problem. The developer did not want to help us. He said you pay for the pipe, the town will come in and bury it so he hasn't helped us at all in that whole development so there's a lack of hind sight.

So, it's in the graces of this Board to listen to these people here because it doesn't affect me, I come out the other way but I think it behooves the Board to listen to these people because of the problems we have to live with now with unsafe streets the way they are. On that bad bend to have a car parked there, you're endangering the lives if there is ever a fire.

The firemen is going to have to come up that hill, I used to be a volunteer fireman and some of them get a little cocky in their cars and there's a little kid like the people are saying or a person coming the other way you're going to have a major accident. I know a friend of mine who did have an accident, she came around the bend and a guy came around the bend and the nature of the beast that bend is so sharp and there's no dividing line, it's a narrow street. Sometimes you come around a little, it's something that has to be thought of.

Where ever he's going to put the driveway coming out off there and where ever the house is going to be, it will effect it greatly. How high up on the hill is it going to be? I believe it has retaining walls or stone walls or something like that to keep the embankment from falling down. Is that going to come into effect going to tear them down and put the house up there?

MR. FENWICK: That is an easement, that's the problem here, there's an easement that's been given to the town. That's what cut this property off. That's the reason why the property is what it is. If the easement was not given, the Lydecker would be building a house and there would be nothing --

MR. MOORE: Mr. Lydecker also donated land under the big thing for the town for any development for a park that's a useless piece of garbage behind the house. We tried putting a playground but who wants it behind their back yard? It's a piece of land he could not develop here, so it's a lack of hind sight and that's what I'm afraid might happen because we are worried about his economical

gain, not our economical gain as far as values of our homes by having so many houses. I don't care about his economical gain as far as I'm concerned there's 300 homes in there and he's made his money four times over so his economical gain is not my concern or any of these people or the taxpayers in the town. Safety is our concern and it should be the members of the town concern.

MR. FENWICK: Is this something new? We're starting to hear the same thing over and over.

RON CABRERA: Is there a regulation that a driveway cannot be situated on a blind spot? I would think that there's got to be something because as a person exits from the driveway, they are not going to be able to see vehicles coming from one direction and vehicles on the road are not going to be able to see that individual pulling out of the driveway. I would think that there has got to be some regulation that a driveway must have a certain footage of visibility, frontage before it can be put down and maybe specifically in a residential area.

MR. FENWICK: Not that I know of.

MR. ARCARO: 5 Shaker Court. I know that you guys are sick and tired of hearing the same stories, we're just trying to make sure that you understand the importance of the issue and the meeting.

MR. FENWICK: We do, I think you have a big problem down there and it actually from what I hear and I'm hearing the same thing has nothing to do with this lot, it really has nothing to do with it. You have got a big problem with the road. You have a real big problem with that road and that curve is bad. I sat there tonight right across the street from the people that live right next door to the lot, if they came out the traffic was flying passed this, somebody almost took the rear end of my car off and I was sitting on the side. Being a house there from what I saw you might be better off because nobody is going to do anything with the property except let the weeds grow taller and taller and taller. That is what I saw was the worst part just go up the street, turn around and come back down, you can't see around the curve. But the main reason why it's so overgrown and nobody is going to care, whose responsibility was it

before the town took it over?

MR. FENWICK: Town took it over, I don't, I not saying --

MR. ARCARO: Was that you guys or the Zoning Board, I'm not trying to get off the issue but you brought up a point.

MR. FENWICK: That was a planned development brought before the Planning Board and the Town Board in New Windsor and approved as such. This Board had nothing to do with that, absolutely nothing at all, never saw it.

MR. ARCARO: Am I to understand what you're implying is tough?

MR. FENWICK: I'm not saying tough, it's just nothing more, we know what the problem is, everybody that's been there has seen the same problem with that curve and everything this Board cannot control that curve, that's the problem.

MR. ARCARO: You want to add to it? You have to pull out of that driveway whether you're pulling forward or back out, either way the front end is going to get ripped off or the rear end is going to get ripped off.

MR. LUCIA: Everyone is welcome to speak just identify yourself for the record and speak one at a time.

EDITH CABRERA: 4 Shaker Court. Back to the easement, am I to understand this is what is holding the building of the house because there's an easement there so now if this house is being built so now where is the easement going to go?

MR. FENWICK: Doesn't go anywhere, stays right there. The easement property is not part of the property that the house is on.

MR. LUCIA: I think what the applicant was saying that was part of the proof of significant economic injury, he gratuitously gave to the Town of New Windsor an easement. Had he not done that, he would not be here because he would still have sufficient road frontage according to the way he presented to the Board.

MR. VILLAFANE: 11 Shaker Court. You know, with all due respect to the comment of the Chairman, I have to disagree with you. I think that putting a house on that lot does add to the problem, doesn't eliminate it. As far as the weeds being a problem, I find that perhaps you all have seen the different lot because I don't think the problem, yes there is a problem of weeds and the owner of the lot should have taken care of that as a good citizen of the town, although they don't live here but besides the point, the point being I think that again putting a house there does not eliminate the problem or not eliminate, it does add to the problem and I truly respectfully disagree with you.

FRANK QUINN: I live at 342 Butternut Drive. We are coming back to the same issues basically we are dealing with safety here. I think that the Board at least the consensus that I'm hearing we recognize that we have a problem here. But, I have to agree with Ray that by adding a house and driveway to this particular section of road is certainly going to make, it's going to certainly enhance the severity of the problem on that corner and I think we are going a little bit -- as far as the weeds, they certainly should be removed but the bottom line is there's not enough clearance, there's barely enough clearance for two cars to get by for a driveway to be installed and back out onto the bend, you know, the Board here presently I think would honestly have to admit that severely complicates that and makes that a super hazardous turn and just to keep harping on the safety issue but we are all agreeing that we have problem, we have a potential safety problem, lives at stake and I think that to not rectify the problem in some reasonable manner is just a foolish mistake for the Town Board to make.

VINCENT ARCARO: 5 Shaker Court. I take it as a personal insult to be told that this man gratuitously gave the town a lot that he couldn't do a damn thing with to begin with. If that's the case, why doesn't he gratuitously give this one away also? I mean if he's that big of a philanthropist.

MR. FENWICK: Anyone else have anymore comments?

MARY CABRERA: I live at 4 Shaker Court. I would like to add as far as the weeds are concerned, the weeds are not the issue because it's still a bad turn in the dead

of winter when there are no weeds so I think too much is being made of the weeds.

MR. FENWICK: Okay, fine.

EDITH CABRERA: 4 Shaker Court. My home is right in the middle right next to the easement and we don't do anything with that property in between the other two homes. If we put up a fence, we put up expensive shrubbery, anything and the town decides that well it's time there's a problem and they need to go in and straighten out that problem with the easement, does the town give back the money to all the shrubs and the fence that's been destroyed? We're not allowed to do anything with that land so now you have that situation. Here with this house that you just finished telling me that you're going to build on this easement so now you're saying --

MR. FENWICK: No, they're not building on it.

EDITH CABRERA: That's why I'm asking and we're paying taxes, okay.

MR. FENWICK: I'm going to let Mr. Lydecker if you have any comments to make them at this time.

MR. LYDECKER: No, we have other curves in the development. This was cluster development so the streets instead of being at right angles they do curve around. When the development was put in and went through the Planning Board, there were not thru streets so that the traffic going in and out of the development would principally be homeowners in the development.

And speaking from past experience when we had our office on Butternut Drive right near Guernsey Drive, we had problems with people speeding coming down 94 from 94 down Butterhill Drive past the office. At that time Butternut was not open so the only people coming into that development were homeowner. With their small children and their concerns. We put up stop signs at the intersection trying to slow those people down.

But, I think that really in all due fairness that the traffic coming through that development are homeowners and they really should consider that this is a cluster development without thru streets that they have got

their privacy and should keep the traffic down. And if people are speeding, they ought to report the license number to the police.

MR. LUCIA: Do you have any specific comments on Ms. Herlihy's tape or the adequacy of the representation?

MR. LYDECKER: Well, the tape that pretty much showed the sight distance looking from the lawns down the hill which is pretty much adequate where they are talking about the problems coming up the hill, where you can't see because the weeds are there but even coming up the hill or from the driveway on the property, with the weeds as they exist now, you have got 120 foot clear sight distance to the road. If the weeds are removed, the sight distance will increase.

The wall starts between 75 and 80 feet from the property line and as the drive would come down off that property, anyone on that driveway or in a vehicle looking down that driveway would be looking down over that wall further down Butternut Drive.

At the last meeting, it was mentioned that you had an 87 degree bend in that road, there's a 37 degree bend in that road which isn't even a 45 degree bend and there are curves within the development which are more significant than that and you have got driveways coming out on curves but the lawns are cut so that you have got the sight distance coming around those curves.

MR. FENWICK: Has everyone signed this that is here in reference to this. Anyone with anymore comments?

VINCENT ARCARO: I would like to dispute what the man said. Number 1, I don't know where he came up with the figure of 120 feet with a dropping slope, I mean you can't see over top of a car. I don't have 3-D or x-ray vision to see through the slope. Second of all, the weeds aren't really the concern here. Third of all, he didn't put in the stop signs, the homeowners association put in the stop signs so there goes the gratuitous stuff. Again, he didn't give us anything we paid for it. And we had to fight for it and we are fighting against something that we firmly believe in. Get the facts straight.

MR. LYDECKER: The facts are that we put in the stop

sign at Guernsey coming down on Butternut. And those signs were subsequently removed but we did install those signs. And the sight distance you have got if you measure from that driveway down to the, looking down to the curve line, you have got 120 foot sight distance and that is where the weeds are there, you can do that right there.

KEITH GAZOLA (PHONETIC): I live at 346 Butternut. I'd like to dispute people that live through their drive through speeding, that is a short cut from Forge Hill to 94 and it's a way to get back onto 9W. It has been a detour if there's a minor accident that holds up traffic on 9W, that has been a detour. So, and they were racing through there one day they had an accident and it was pretty dangerous that day I had to, all the neighbors were out on the street trying to slow people down so that our kids, they couldn't even ride their bikes, the road is so narrow, they are unsafe to begin with.

If you are trying to say that the problem lies in the development then they should have never done that to begin with and we wouldn't be here today and opening up that access road, do you have to have that access road? Is there a law that said that had to be put there? If you close the road up to Forge Hill that man could put two houses up there. Close that road off or take that turn out, if there's a way to do it, if he can put more backfill down there, maybe he can straighten the road out.

MR. FENWICK: Anymore comments? When I close the public hearing, that will be it.

EDITH CABRERA: I live at 4 Shaker Court. Let's pull the neighbors aside that are protesting this house. What about the residents of that house if there is a slope? Again, I live in a house with a sloped driveway. When there's ice on my driveway, it's a ski slope. My driveway is 45 degree angle, this driveway is not a straight flat driveway, it will not be unless he's going to have an elevator to bring it up to the garage from the driveway. This person is going to be slipping out, my mom had a Cadillac and did a 360 in her driveway. This person, what are they going to do when they are coming out of their driveway and it's ice?

MR. FENWICK: You can't be addressing what can happen or

if we have got to stop, we have got to get going with what is going on right now. You have a problem with your driveway, we cannot see what is going on or what is going to happen with this piece of property. We appreciate your comments but we are getting the same thing over and over again and we are getting a lot of what if we can't do that, we can't address that. It's just getting to be the same thing. Everyone here is aware of what the situation is there. We are hearing the same thing over and over again. We have got to get going with this hearing.

EDITH CABRERA: Not just for the residents but for the occupants of the home.

MR. FENWICK: Go ahead.

MARY CABRERA: I live at 4 Shaker Court. It was mentioned that we are a cluster development. I have heard this and we have our privacy, we do no longer have our privacy in the development because as someone else mentioned, it has become a short cut for people that are cutting through coming up from 9W to get to 94 and also for people that are on 94 to get down to 9W so both ways coming and going residents that, people that do not live in the community. We are starting to get trucks, it's not just cars anymore, we're starting to get trucks that are coming through. So, it's not a situation where you have a private little community that's an enclave onto itself, that's no longer the case.

MR. FENWICK: Thank you. Any more comments? When I close the meeting, it's closed.

FRANK QUINN: I live at 342 Butternut. I'd just like to know what will be the consensus of the Board and what kind of feedback can we expect?

MR. FENWICK: The Board will probably vote on this matter this evening while you're here. It may or may not happen but I'm sure right now the way my feelings are we are probably going to bring it up for a vote tonight. At this time I will close the meeting to the public and open it back up to the Members of the Board.

MR. TORLEY: My concern has been that we must take into consideration of the health and safety of the public as well as the rights of the landowner, that's one of our

charges in the code. And I'm not an expert enough on traffic safety to know whether this meets our standards. Now, I would not be, I could not vote for such a variance unless it could be proven to me that it did meet the appropriate town code and safety standards. Knowing what the standards were when this was first brought out on a flat sheet of paper but what it is now and I'd like to see the Town Engineer's report on this or if we were to grant such a variance, have it conditioned on approval from the Town Engineer.

MR. NUGENT: Don't you feel that that would take into consideration when they accepted the road?

MRS. BARNHARDT: We have a letter from the Town Engineer and the Highway Department.

MR. TORLEY: What does it say?

MRS. BARNHARDT: I don't have it here, it's in the road acceptance file.

MR. NUGENT: I'm asking that question. Isn't that taken into consideration when they accept a road?

MR. TORLEY: It should be.

MR. FENWICK: How long has the road been opened? Do you know?

MR. BABCOCK: I'm sure they know.

MR. CABRERA: Over three years that we have been there.

MR. TORLEY: From being out there and seeing the video tape as well, I'm concerned that it's too dangerous a curve to put that house there. Now, this may not be particularly within our purview as far as the safety and speed of the cars going by but public health and safety is one of the things we must consider and I'm not convinced we could do that safely enough unless there's substantial changes in the road.

MR. NUGENT: One of the comments that was made by the audience that I felt very strongly and I asked one of the ladies that was standing there, there's a house fairly close to the street not directly and if they have ever had a problem getting out or almost hit and so far

nothing has happened. What are we going to do adding to the safety of the road by putting another home there that has an adequate frontage completely. Are we adding more to the problem? That's my comment to this.

MR. KONKOL: Dan, that goes for my comment. I wanted to direct this question to you. Obviously, there's a problem with the whole development and this here is no surfacing and we certainly don't want to compound it when it comes to safety because this is a concern of the Board. Can we refer this to the Town Board or the Planning Board because it seems to be a problem if the Planning Board has made an oversight here, I don't think we should have to pass on this.

MR. LUCIA: We certainly can make any referral that you in good conscience is appropriate. The problem you're faced with is the applicant has applied for a specific variance and this Board ultimately needs to determine that variance application either by granting or denying it one way or the other.

Referral certainly is in order but unless the applicant wants to waive time limits on this Board voting on it, we don't have anymore than 60 days once the public hearing is closed to vote one way or the other on the variance. Now, the public hearing has not been closed, we have a right to continue it pending any referral the Board might feel is warranted. I suppose that's the middle ground. Keeps the ball in the air so to speak until you get whatever input you wish from any other body in the town.

MR. TORLEY: It's within our purview to refer this to the Planning Board saying we have concerns with the public health and safety, traffic flow and we cannot make decisions on a zoning variance without your input as to whether this really is a problem from the town's point of view.

MR. LUCIA: We cannot say we cannot make a decision without your input. We can say we think your input is relevant to the decision we ultimately will make and we'd like to hear it. You can't get out from underneath the obligation of making the decision but you can ask for somebody else's input on any issue you think they have a comment on.

MR. TANNER: I felt that when I went up and looked at it that the basic problem is the width of the road because of the turn, 24 feet is pretty tight. If it was possible to have the road widened at that point at the top of the hill, I think that would go a long way to resolving the sight distance problems and solving these problems as far as developing the lot, if something can be worked out even if it's between the developer and the town as far as widening that 3 feet or something like that, it might be a solution to the problem.

MR. TORLEY: That's something beyond what we can say in granting the variance.

MR. TANNER: I understand that but I'm just pointing that out.

MR. LUCIA: It's an avenue for the applicant if the applicant chooses to make a deal with the town to improve sight distance, widen the road, whatever we can factor in in making the variance say conditioned upon whatever off-site improvements he and the town agreed to but that is something the applicant will have to initiate. We can't force it on them.

MR. FENWICK: Who owns the property on the opposite side of the road?

MR. LYDECKER: The town.

MR. FENWICK: Any other comments? At this time, I'd like to entertain a motion to grant the variance.

MR. NUGENT: I'll make a motion that we grant the variance.

MR. TANNER: I'll second it.

ROLL CALL:

Mr. Torley	No
Mr. Konkol	No
Mr. Tanner	No
Mr. Nugent	No
Mr. Fenwick	No.

MR. LUCIA: He also had a choice before coming here, he

June 22, 1992

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chose to apply for a variance alternatively he could have appealed on an Article 78 Building Inspector's Decision on the grounds that he was entitled to it back when the Planning Board approved the cluster subdivision with this lot shown with that frontage. He for whatever reason whether it's cost, time, whatever, chose to take this route. I'm not sure that other avenue is still open to him.

MR. ARCARO: Are we going to be advised? Is he legally obligated to advise us?

MR. LUCIA: No, that's a court proceeding.

MR. ARCARO: Can we get him to clean the weeds up?

MR. FENWICK: It's town property, I asked, it was town property.

Handwritten: 2/2/95 (PB) cc Town Clerk
Daniel S. Lucia
ATTORNEY-AT-LAW

343 TEMPLE HILL ROAD
NEW WINDSOR, NEW YORK 12553

TELEPHONE
(914) 561-7700

BY HAND

January 19, 1995

Mrs. Patricia A. Barnhart, Secretary
Zoning Board of Appeals
Town of New Windsor
555 Union Avenue
New Windsor, New York 12553

Re: Zoning Board of Appeals and
Planning Board Files

Dear Pat:

In accordance with your request, I have checked to see if I still had any Town files in my possession. I found the following Zoning Board of Appeals ("ZBA") and Planning Board ("PB") files which I return herewith:

<u>Board</u>	<u>File No.</u>	<u>File Name</u>
ZBA	91-3 (also 91-33)	Andoom Development Corp., Inc.
ZBA	93-46	Leonardo, Constantine
ZBA	93-47	Leonardo, Constantine
ZBA	93-47a	Leonardo, Samuel
PB	330	Windsor Counseling Group v. The Planning Board of the Town of New Windsor, New York Article 78 Proceeding.

Unless I am instructed otherwise, I will not do any further work on any of the ZBA files. The Article 78 proceeding against the Planning Board was settled and discontinued long ago. That file is now closed.

If you have any questions, please do not hesitate to call me. Best wishes.

Very truly yours,


Daniel S. Lucia

DSL:rmd
Enclosures
cc: Mr. James E. Nugent, Jr.
N177A950.119

6/22/92 Public Hearing - Andoom Dev. - Continued from 6/8/92

Name:

Address:

Frank Quinn ✓

342 Butternut Dr.

Nancy Quinn

342 Butternut Dr.

Vincent Arcaro ✓

5 Shaker Ct

Sandra Arcaro ✓

5 Shaker Ct

Judi Dugnette

7 Shaker Ct.

Kevin P. Moore ✓

22 Creamery Pl.

Kathy & Howard Stone

15 Shaker Ct.

Mr. & Mrs. Denis Herlihy ✓

348 Butternut Dr.

Mr. & Mrs. Rafael Villafane ✓

11 Shaker Court

Robert Zimmerman

17 SHAKER CT N.W.

Mr. RONALD CABRERA ✓

4 Shaker Ct

Edith M. Cabrera ✓

4 SHAKER CT

Mrs. Marie A. Cabrera ✓

4 Shaker Ct.

Kathleen Ubriaco

341 Butternut Dr.

Michael Ubriaco

341 Butternut Dr.

Keith CAZZOLLA ✓

346 Butternut DR.

Rafael E. Villafane

11 SHAKER CT.

[illegible]

November 25, 1991

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SCHOONMAKER HOMES, INC.

MR. FENWICK: This is a request for 24 foot 6 inch street frontage variance for building lot #238 on Creamery Drive in a CL zone.

Mr. Wolfgang Avery came before the Board representing this proposal.

MR. AVERY: I'm representing Garret Lyedecker (phonetic) of the development company that originally got Butter Hill Estates approved and this was a part of an approved filed modified cluster subdivision. And I'm wondering why I can't get a building permit on an approved lot.

MR. BABCOCK: Pretty simple, doesn't meet the zoning.

MR. FENWICK: But if it was an approved lot.

MR. BABCOCK: I'm not sure why, I'm not sure how, alls I know is I've looked at the map and there's 35 foot 6 inches of street frontage and the law requires you to have 60 so I talked to the people at Schoonmaker Homes and back then and it was agreed that this was the best way to get the lot as a legal building lot was to go and get a variance for it, for the street frontage.

MR. FENWICK: This was originally --

MR. BABCOCK: This is about when the application was applied for.

MR. WOLFGANG: Forty-five (45) days ago.

MR. BABCOCK: Yes, it's been a while.

MR. AVERY: I have since talked to the developer and we are not Schoonmaker Homes is not in title with the property, we're contract vendee.

MRS. BARNHART: Who's the title in? I'm trying to think now.

MR. AVERY: Garrett, the developer company is actually ANDOM.

032195. AD
28A #12.

MR. FENWICK: That is who owns the property now?

MR. AVERY: Yes. Actually, it's Modna spelled backwards is the name of the company. But, this was part of a cluster development which as I understand it cluster development you don't have to conform to all the frontage requirements, especially since it was approved and signed and filed and they have been paying taxes on it. It's an approved building lot as I understand it and as they understand it and Garrett was going to be here tonight but could not be.

MR. FENWICK: Do you have a letter tonight of some sort that the owner of the property, that you're representing the owner of the property?

MR. AVERY: No, I do not.

MR. LUCIA: If the Board sets you up for a public hearing, when you come back, maybe you can bring a letter or a proxy.

MR. AVERY: Garrett would be here.

MR. LUCIA: That is fine.

MR. AVERY: If that is necessary, Garrett was hoping that it would not be necessary that it's an approved building lot.

MR. TORLEY: Are we on the thing where it may have been an error by the Planning Board or we are still required to correct it.

MR. LUCIA: Yes, it appears to be an oversight, certainly there's nothing else in Butter Hill with that little frontage, is that correct?

MR. AVERY: I can't tell you that. I do not know.

MR. TORLEY: Do we have the map?

MR. AVERY: I know the reason that that lot does not have 60 feet of frontage. Some have 100, some have 80, I know because they gave the town a sewer easement to run that main sewer line along Forge Hill Road and they have to give some of that right in front of that lot to run that sewer line, that's why that lot doesn't have

60 feet, otherwise it would.

MR. LUCIA: That would constitute good evidence when you come in for an area variance as to what your practical difficulties are. The difficulty that I think the Board has is this is an Appeals Board. We can only react to matters that come before us on an appeal from someone else. You have apparently been turned down for a building permit by the Building Inspector and that is how you're gaining access to this Board. Whether or not you have a right to contest that determination by the Building Inspector on an Article 78 proceeding on the basis that the filed cluster subdivision map gave you a right to a building permit without seeking a variance is another issue. We can't handle that but I think you and Garrett are going to have to get together and decide which is the cheaper or easier way to go in that. If you want to stand on that issue and it's still timely, maybe you can take an Article 78 against the Building Inspector to appeal that denial of the building permit. Alternatively, you can accept that denial and come here for an appeal. I think that is an election remedy you have to make. I don't think this Board is in a position to pass on the issue of whether or not you have a right to build just on the cluster map. That issue is not squarely before us.

MR. FENWICK: I have a question, there's a cul-de-sac at the end of looks like Creamery Drive, okay, there are houses there.

MR. AVERY: Yes, all of them built.

MR. FENWICK: Jersey Court is that it?

MR. AVERY: All of them are built.

MR. FENWICK: I'm looking at two lots on the cul-de-sac, 44.4 street frontage on both of them, we have a lot on Jersey Court 56, another one 45, one 49, one 54, these are all lots that have it's all approved, I don't understand.

MR. AVERY: Probably 30 or 40 lots that are less than 60 feet because there are a couple of cul-de-sacs.

MR. FENWICK: What I'm seeing here and just on this

alone I'm seeing six. I'll pass this around to the Board members but take a look at that.

MR. TORLEY: The zoning code says 60 feet.

MR. NUGENT: Cluster development may come under a different criteria.

MR. FENWICK: That was, that one says it was established after the fact.

MR. AVERY: That is pre-existing condition, this is a nonconforming lot.

MR. FENWICK: Cluster development or the cluster zone was developed after this was done, I think we have to pursue this deeper. There's already apparently been some, a lot of building lots that have substandard frontage based on a subdivision map.

MR. BABCOCK: Well, Mr. Chairman, just one correction to that, it's based on a tax map, not that this tax map is inaccurate but most of the numbers that you see on the tax map have an S in front of them which says that that number is scaled. I'm not saying that those numbers are not accurate. I have never noticed that before, to be very honest with you.

MR. FENWICK: Do these places that have these smaller frontages on them have C.O.'s?

MR. BABCOCK: Yes, I would say yes, Mr. Chairman. This is probably one of the last lots.

MR. AVERY: It's the last lot.

MR. BABCOCK: There's a couple more on another road.

MR. AVERY: Lot 10 and lot 9.

MR. BABCOCK: Right.

MR. AVERY: But they have more than 60 feet of frontage. There are three lots that I know of in Butter Hill Estates that don't have C.O.'s. I'm building one of them and trying to build on another one.

MR. TORLEY: Could this be pre-existing nonconforming lot?

MR. FENWICK: I don't know.

MR. TORLEY: This clustered space bulk table was made up after the Butter Hill development was approved.

MR. BABCOCK: Was made up for Butter Hill.

MR. FENWICK: I don't think it actually came into being until after the subdivision was through.

MR. TORLEY: The question was the site plan approved before this bulk table was approved.

MR. BABCOCK: The bulk table was made for that, that is the only cluster subdivision we have in the Town of New Windsor.

MR. FENWICK: So they can put 6 foot fences in and stuff like that.

MR. BABCOCK: It's been modified, it was modified in 1986, when the zoning map was redone also the fences and the nonconforming lot. Could we ask you to look into this, this is, I would definitely say this is something that shouldn't be brought down on the applicant that's for sure. We are standing here looking at evidence that there are lots that have less than 60 foot frontage and they were built on and they have C.O.s.

MR. AVERY: And you're looking at about one tenth of the development.

MR. FENWICK: I know that.

MR. LUCIA: I can look tonight, I'm not sure there's any clearer answer and I don't mean to give you my opinion before I have researched it out but the lots with seemingly deficient road frontage that you cite on the map apparently have C.O.s. Just to allow some finality so landowners once they have gone through the administrative process of building, get the permits and C.O.s, I don't think you want to tell all those landowners you too have deficient lots and need their answers. In this case you're not. In this situation,

you have a piece of vacant land that is unbuilt and the applicant is coming in saying what can I do to get it straightened out. I'm not sure we ought to say because there are mistakes made in issuing C.O.s in other lots in the past we are going to give him a free road also. Any municipality can and should when error come to its attention correct them. This applicant as I pointed out has a choice of which way to go, it could be if he presses the issue with the Building Inspector, he can establish it's not but that's going to have to have a cost benefit analysis.

MR. AVERY: Does this Board have the power to declare this a pre-existing nonconforming lot and authorize the Building Inspector to issue a building permit?

MR. LUCIA: If you came here with an interpretation and you might want to discuss with counsel whether you want to come in with any area variance and/or an interpretation on that issue, as I said same with considering proceeding you have to decide which is going to be the cheapest and the most efficient way for you to go.

MR. AVERY: I'll discuss that with Garrett and contact the Planning Board Secretary or the Zoning Board of Appeals Secretary to set up my next course of action. I don't know which way Garrett wants to go at this point, offer some alternatives.

MR. LUCIA: We can table it until you decide which way you're going to go or if you want to presume you're going to proceed with the variance.

MR. AVERY: I'd like to table it and if my course of chosen course of action is a public hearing, can I just go do that through the Secretary?

MR. FENWICK: No, if you want a public hearing, we'll set one up tonight. If you want the action tabled, it will be tabled and you'd have to come back to us for another preliminary hearing. We'll make a motion to set you up for a public hearing, there's no cost involved at that point.

MR. AVERY: Yes, you can do that.

MR. FENWICK: And you can pursue it at anytime.

MR. LUCIA: You can also withdraw if you choose one of the other issues.

MR. AVERY: Let's get the wheels going and if we choose to take another course of action, I'll withdraw the request.

MR. NUGENT: I'll make a motion we set him up for a public hearing.

MR. TORLEY: I'll second it.

ROLL CALL:

Mr. Torley	Aye
Mr. Konkol	Aye
Mr. Nugent	Aye
Mr. Tanner	Aye
Mr. Fenwick	Aye

MR. LUCIA: When you come back, the standard the Board has to apply is practical difficulty so you need to come back with proof of your significant economic injury. I'd layout the history that you thought everything was approved, it wasn't until you went for the application you got turned down that is why you're here and I'd layout the costs involved, what you'd have to do to make it conforming, restructure the lots etc. Also when you come back if you would bring a copy of the deed, title report and some photographs, please.

MR. AVERY: Okay, thank you.



1763

TOWN OF NEW WINDSOR

555 UNION AVENUE
NEW WINDSOR, NEW YORK 12553

(914) 563-4630

September 17, 1992
FAX: (914) 563-4693

DUGGAN, CROTTY & DUNN
343 Temple Hill Road
New Windsor, N. Y. 12553

Attn: Phillip A. Crotty, Jr., Esq.

RE: DEED-TOWN OF NEW WINDSOR to ANDOOM DEVELOPMENT CO., INC.
SECTION 80 - BLK. 6 - LOT 12.

Dear Phil:

Enclosed please find original of the above-entitled deed which was executed by Supervisor Green. Kindly have same recorded and return a copy to this office with the recording information attached.

Best regards.

Very truly yours,

PATRICIA A. BARNHART
Attorney's Office

/PAB

Enclosure

cc: Town Clerk Townsend

TOGETHER with the appurtenances and all the estate and rights of the party of the first part in and to said premises.
TO HAVE AND TO HOLD the premises herein granted unto the party of the second part, its heirs
and assigns forever.

This deed is subject to the trust provisions of Section 13 of the Lien Law.

IN WITNESS WHEREOF, the party of the first part has caused its corporate seal to be hereunto affixed, and these presents
to be signed by its duly authorized officer the day and year first above written.

In presence of:

TOWN OF NEW WINDSOR

By George A. Green
George A. Green, Supervisor

STATE OF NEW YORK COUNTY OF ORANGE

ss.:

On the 17th day of September 19 92 before me came
GEORGE A. GREEN,

to me known, who, being by me duly sworn, did depose and say that he resides ~~at~~ at 53 Farmstead Road,
New Windsor, New York 12553
that he is the Supervisor of TOWN OF NEW WINDSOR
the corporation described in, and which executed, the foregoing instrument; that he knows the seal of said corporation;
that the seal affixed to said instrument is such corporate seal; that it was so affixed by order of the board of
of said corporation; and that he signed his name thereto by like order.

Pauline G. Townsend
Notary Public

PAULINE G. TOWNSEND
Notary Public, State of New York
No. 4843692
Appointed in Orange County
My Commission Expires December 31, 1993

WINDSOR

OPMENT CO., INC.

eed

M - CORPORATION

TOGETHER with the appurtenances and all the estate and rights of the party of the first part in and to said premises.
TO HAVE AND TO HOLD the premises herein granted unto the party of the second part, its heirs
and assigns forever.

This deed is subject to the trust provisions of Section 13 of the Lien Law.

IN WITNESS WHEREOF, the party of the first part has caused its corporate seal to be hereunto affixed, and these presents
to be signed by its duly authorized officer the day and year first above written.

In presence of:

TOWN OF NEW WINDSOR

By George A. Green
George A. Green, Supervisor

STATE OF NEW YORK COUNTY OF ORANGE

ss.:

On the 17th day of September 19 92 before me came
GEORGE A. GREEN,
to me known, who, being by me duly sworn, did depose and say that he resides ~~at~~ at 53 Farmstead Road,
New Windsor, New York 12553
that he is the Supervisor of TOWN OF NEW WINDSOR
the corporation described in, and which executed, the foregoing instrument; that he knows the seal of said corporation;
that the seal affixed to said instrument is such corporate seal; that it was so affixed by order of the board of
of said corporation; and that he signed his name thereto by like order.

Pauline G. Townsend
Notary Public

PAULINE G. TOWNSEND
Notary Public, State of New York
No. 4643692
Appointed in Orange County
My Commission Expires December 31, 1993

TOWN OF NEW WINDSOR

to

ANDCOM DEVELOPMENT CO., INC.

DEED

QUITCLAIM — CORPORATION

Reserve this space for use of Recording Office.

August 4, 1992

DESCRIPTION
for
Lands to be conveyed by
the Town of New Windsor to
Andoom Development Co., Inc.

All that certain piece or parcel of land lying, situate and being in the Town of New Windsor, Orange County, New York, being a portion of the parcel shown as land now or formerly the Town of New Windsor and map entitled "Butterhill subdivision Section 10 Amended Map", said map having been filed in the Orange County Clerk's Office on 13 November, 1987, as Map No. 8585, and being more particularly bounded and described as follows:

Beginning at a point in the westerly line of Butternut Drive, where said line is intersected by the division line between Lot No. 238 and lands of the grantor, as shown on the above referenced map, running thence the following courses:

1. Along the westerly line of Butternut Drive S $14^{\circ} 29' 13''$ W 30.23' to a point of curvature:

2. Still along said line, on a curve to the right having a radius of 75.00', an arc distance of 46.53' to a point of tangency;

3. Still along said line, S $50^{\circ} 02' 13''$ W 38.21' to a point;

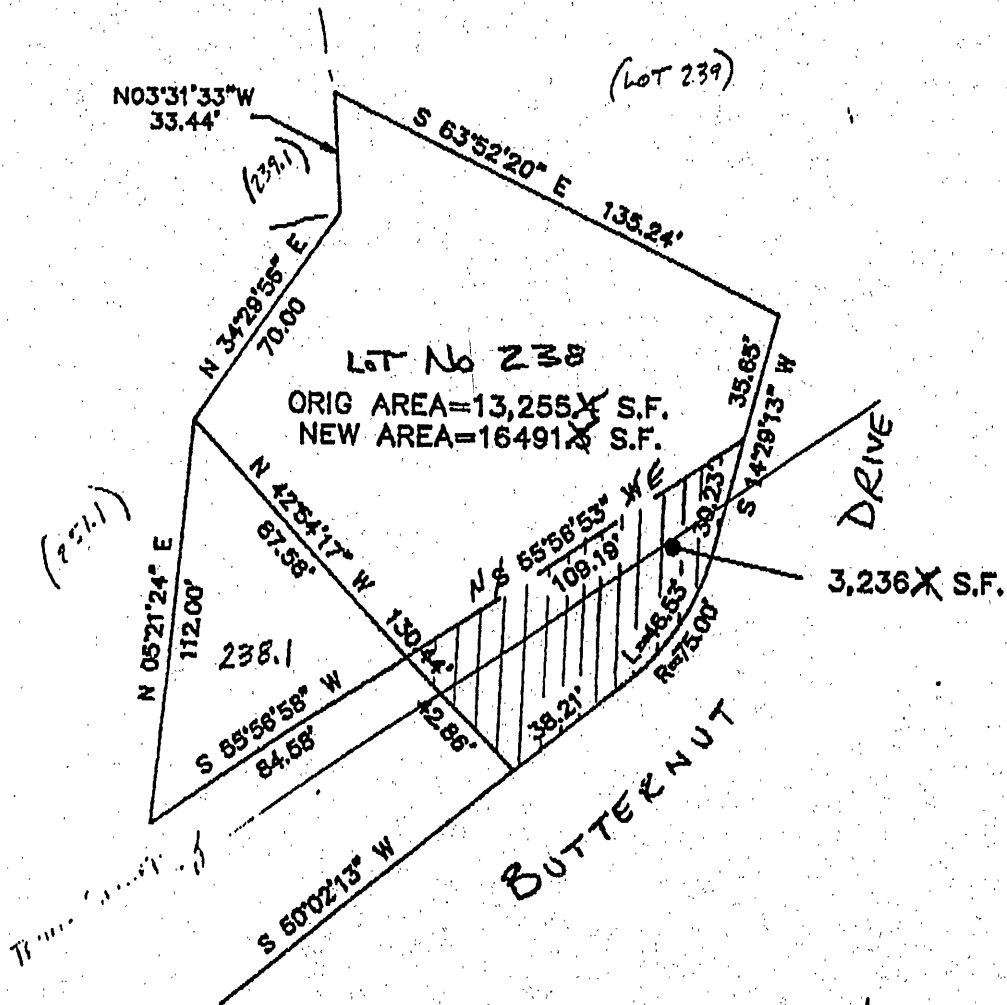
4. Running thence, through lands of the Grantor, N $42^{\circ} 54' 17''$ W 42.86' to a point in the northerly line of lands of the Grantor, said point being at the southerly terminus of the division line between Lot No. 238 and Parcel No. 238.1 as shown on the above referenced map;

5. Running thence along the division line between lands of the Grantor and Lot No. 238 N $55^{\circ} 56' 53''$ W 109.19' to the point or place of beginning.

Containing 3,236 square feet, or 0.07 acres of land, ore or less.

Subject to an easement retained by the Grantor over the above described parcel for an existing sanitary sewer line running through said parcel.

FILED MAP # 8585



BUTTER HILL
 SECTION 10
 1" = 50'

DUGGAN, CROTTY & DUNN, P.C.

Attorneys at Law

STEPHEN P. DUGGAN, III
PHILIP A. CROTTY
BRUCE C. DUNN, SR.
ELIZABETH M. BACKER, Paralegal

343 Temple Hill Road
New Windsor, New York 12553
(914) 562-6500
Fax (914) 562-6788

August 10, 1992

Rec'd.
TA office 8/12/92
(PAC)

J. Tad Seaman, Esq.
Town Attorney
Town of New Windsor
555 Union Avenue
New Windsor, NY 12553

RE: Lot #238 in Butter Hill Subdivision

Dear Tad:

I am enclosing a metes and bounds description and sketch map for the transfer of the parcel we discussed last week. Bill Hildreth prepared the description and map.

If it is OK, please prepare the deed and send me any bill. Note that the description reserves an easement to the Town.

I know the transfer will require Town Board action, and we would appreciate it if you would please put it on the next agenda.

Thank you for your cooperation and I look forward to hearing from you.

Very truly yours,

DUGGAN, CROTTY & DUNN, P.C.

BY: PHILIP A. CROTTY

PAC:emb
Enclosure

cc: Mr. Gerrit V. Lydecker

Rec'd 26A
6/10/92
(PAB)

DUGGAN, CROTTY & DUNN, P.C.
Attorneys at Law

STEPHEN P. DUGGAN, III
PHILIP A. CROTTY
BRUCE C. DUNN, SR.

ELIZABETH M. BACKER, Paralegal

June 5, 1992

343 Temple Hill Road
New Windsor, New York 12553
(914) 562-6500
Fax (914) 562-6788

Town of New Windsor
555 Union Avenue
New Windsor, NY 12550

Attn: Ms. Pat Barnhart

RE: ANDOOM DEVELOPMENT CO., INC.
Lot #238 and 238.1
80-6-12

Dear Pat:

Enclosed herewith please find a copy of the deed covering the above referenced matter which is scheduled for June 8, 1992.

Very truly yours,

DUGGAN, CROTTY & DUNN, P.C.

BY:  ELIZABETH M. BACKER
PARALEGAL

Enclosure

—ORANGE COUNTY CLERK'S OFFICE RECORDING PAGE (This Page is Part of the Instrument)

PRINT OR TYPE: BLACK INK ONLY

GEORGE R. KROM, JR.
DONALD T. KROM

TO

ANDOM DEVELOPMENT CO., INC.

RECORD AND RETURN TO:
(Name and Address)

DUGGAN, CROTTY & DIAN, P.C.
R.D.#2, Temple Hill Road
New Windsor, NY 12550

ATTACH THIS SHEET TO THE FIRST PAGE OF EACH
RECORDED INSTRUMENT ONLY.

DO NOT WRITE BELOW THIS LINE

CONTROL NO. 053374DATE 12-21-87

AFFIDAVIT FILED

19

INSTRUMENT TYPE: DEED ☒

MORTGAGE

SATISFACTION

ASSIGNMENT

OTHER

BG20 Blooming Grove

SERIAL NO.

CH22 Chester

Mortgage Amount \$

CHECK

CASH

CHARGE

CO24 Cornwall

Exempt Yes No

MORTGAGE TAX \$

CR26 Crawford

3-6 Cooking Units Yes No

TRANSFER TAX \$

DP28 Deerpark

Received Tax on above Mortgage

GO30 Goshen

Basic \$

GR32 Greenville

MTA \$

RECORD. FEE \$

HA34 Hamptonburgh

Spec. Add. \$

REPORT FORMS \$

HI36 Highland

TOTAL \$

CERT. COPIES \$

MK38 Minisink

MARION S. MURPHY
Orange County Clerk

by:

ME40 Monroe

ORANGE COUNTY CLERK'S OFFICE S.S.

MY42 Montgomery

Recorded on the 10th day of

MH44 Mount Hope

March 1988 at 9:30

NT46 Newburgh (T)

O'clock PM M. in Liberty Film 8959

NW48 New Windsor

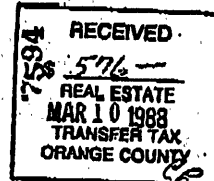
Dated at page 78 and examined.

TU50 Tuxedo

Marion S. Murphy

County Clerk

WL52 Walkkill



WK54 Warwick

WA56 Wawayanda

WO58 Woodbury

MN09 Middletown

NC11 Newburgh

PJ13 Port Jervis

9999 Hold

LACP 2904 78

WARNING: IF YOU SIGN THIS INSTRUMENT, YOU AGREE TO BE BOUND BY ITS TERMS AND CONDITIONS. IF YOU DO NOT AGREE, DO NOT SIGN.

DATE: 12/14/78

WITNESSES: JAMES H. HARRIS, Notary Public for the State of New York

CONSIDER YOUR LAWYER BEFORE SIGNING THIS INSTRUMENT - THIS INSTRUMENT SHOULD BE USED BY LAWYERS ONLY

THIS INDENTURE, made the 21st day of December, nineteen hundred and Eighty-seven
BETWEEN

GEORGE R. KROM, JR., residing at No. 11 Maple Avenue,
Cornwall-on-Hudson, New York 12520,

DONALD T. KROM, residing at No. 12 Daisy Lane, Poughkeepsie,
New York 12601,

party of the first part, and

ANCON DEVELOPMENT CO., INC., a New York corporation, having
its principal place of business at No. 53 Sweet Briar Road, Stamford,
Connecticut 06905,

party of the second part,

WITNESSETH, that the party of the first part, in consideration of -----ONE-----

-----(\$1.00)----- dollars,

lawful money of the United States, and other good and valuable consideration paid

by the party of the second part, does hereby grant and release unto the party of the first part, the heirs or
successors and assigns of the party of the second part forever,

ALL that certain plot, piece or parcel of land, with the buildings and improvements thereon erected, situate,
lying and being in the Town of New Windsor, County of Orange, State of New York,
being more particularly described as per the attached Schedule "A".

EXCEPTING THEREFROM, HOWEVER, those portions of Shaker Court,
Shaker Court North and Creamery Drive shown on the above-noted map.

ALSO EXCEPTING THEREFROM those lands deeded to the Town of New
Windsor for right-of-way purposes.

ALSO EXCEPTING THEREFROM those lands deeded to the Town of New
Windsor for recreation purposes by deed dated 7/13/78 and filed in
the Orange County Clerk's Office in Liber 2187 at Page 1131.

ALSO EXCEPTING THEREFROM an easement granted to the Town of New
Windsor for the construction of a Sewer Trunk System, Hoodna Creek
area, insofar as it affects these premises.

TOGETHER with a right-of-way over those portions of Shaker Court,
Shaker Court North and Creamery Drive referenced on the
aforesaid subdivision map until such time as said roads are
dedicated to the Town of New Windsor.

BEING a portion of the premises conveyed to GEORGE R. KROM, JR.,
and DONALD T. KROM by WINDSOR BUILDING SUPPLIES CO., INC., by deed
dated December 31, 1972, and recorded in the Orange County Clerk's
Office on January 2, 1973, in Liber 1929 at Page 1128.

LIBER 2904 p. 79

BA/PO-HVC

Oct. 12 1987

Dec 3-10-88

Book 2904 p 78

SCHEDULE "A"

SECTION 10

ALL that certain plot, piece or parcel of land, with the buildings and improvements thereon erected, situate, lying and being in the Town of New Windsor, Orange County, New York, described as follows:

Lots 1, 2, 3, 238 and 238.1; 239 and 239.1; 240 and 240.1; 241 and 241.1; 242 and 242.1 as shown on a map entitled "Final Subdivision Plan, Section 10, Butter Hill" and filed in the Orange County Clerk's Office on November 13, 1987 as Map No. 8585.

2401 ft SO

TOGETHER with all right, title and interest, if any, of the party of the first part in and to any streets and roads abutting the above described premises to the center lines thereof,

TOGETHER with the appurtenances and all the estate and rights of the party of the first part in and to said premises,

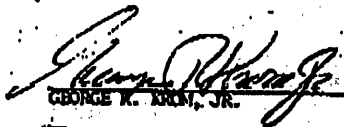
TO HAVE AND TO HOLD the premises herein granted unto the party of the second part, the heirs or successors and assigns of the party of the second part forever.

AND the party of the first part covenants that the party of the first part has not done or suffered anything whereby the said premises have been incumbered in any way whatever, except as aforesaid.

AND the party of the first part, in compliance with Section 13 of the Lien Law, covenants that the party of the first part will receive the consideration for this conveyance and will hold the right to receive such consideration as a trust fund to be applied first for the purpose of paying the cost of the improvement and will apply the same first to the payment of the cost of the improvement before using any part of the total of the same for any other purpose.

The word "party" shall be construed as if it read "parties" whenever the sense of this indenture so requires.
IN WITNESS WHEREOF, the party of the first part has duly executed this deed the day and year first above written.

IN PRESENCE OF:


GEORGE K. KRON, JR.


DONALD T. KRON

INDEXED 2304 76 51

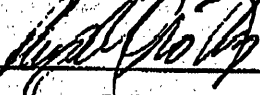
STATE OF NEW YORK, COUNTY OF ORANGE

On the 21st day of December 1987, before me

personally came

GEORGE R. KROM, JR.

to me known to be the individual described in and who executed the foregoing instrument, and acknowledged that he executed the same.

PHILIP A. CROTTY
NOTARY PUBLIC - State of New York
Qualified in Orange County
Reg. No. 4520410
Commission Expires March 30, 1988

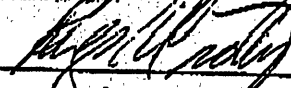
STATE OF NEW YORK, COUNTY OF ORANGE

On the 21st day of December 1987, before me

personally came

DONALD T. KROM

to me known to be the individual described in and who executed the foregoing instrument, and acknowledged that he executed the same.

PHILIP A. CROTTY
NOTARY PUBLIC - State of New York
Qualified in Orange County
Reg. No. 4520410
Commission Expires March 30, 1988

STATE OF NEW YORK, COUNTY OF

On the day of 19, before me

personally came

to me known, who, being by me duly sworn, did depose and say that he resides at No.

that he is the

of the corporation described in and which executed the foregoing instrument; that he knows the seal of said corporation; that the seal affixed to said instrument is such corporate seal; that it was so affixed by order of the board of directors of said corporation, and that he signed his name thereto by like order.

STATE OF NEW YORK, COUNTY OF

On the day of 19, before me

personally came

the subscribing witness to the foregoing instrument, with whom I am personally acquainted, who, being by me duly sworn, did depose and say that he resides at No.

that he knows

to be the individual described in and who executed the foregoing instrument; that he, said subscribing witness, was present and saw execute the same; and that he, said witness, at the same time subscribed his name as witness thereto.

Bargain and Sale Deed

WITH COVENANTS AGAINST GRANTOR'S ACTS

TITLE No.

GEORGE R. KROM, JR. and
DONALD T. KROM

TO

ANDROM DEVELOPMENT CO., INC.

SECTION

BLOCK

LOT

COUNTY OR TOWN

RETURN BY MAIL TO:

DUGGAN, CROTTY & DUNN, P.C.

Attorneys-At-Law
P.O. #2, TEMPLE HILL ROAD
NEW WINDSOR, NEW YORK 12550

Return this space for use of Recording Office.

125504 10 82

ATTENTION NEIGHBORS

- The Town of New Windsor is voting Monday, June 22nd, At 7:30 PM At Town Hall to grant madna A building permit to increase the frontage of A piece of property to be able to meet building codes. The property in question is located next to 350 Butternut Drive, on the bend, As you exit to Forge Hill Rd.

- Presently the road At This point is only 23 1/2 Feet wide, which is less than the required footage in New Windsor. The homeowners in the immediate vicinity feel this is Already A hazardous curve. There have been many near collisions At This location. Any additional construction and drive-ways At This point would be disastrous. From A safety standpoint, The potential for An Accident for Anyone entering or exiting At This location is severe.
-

PLEASE SHOW YOUR SUPPORT.

ATTEND THE JUNE 22nd meeting AT TOWN HALL AT 7:30 PM. WE NEED AS MANY PEOPLE AS POSSIBLE TO SHOW OUR CONCERN. THANK YOU.



MARY McPHILLIPS
County Executive

Rec'd.
TA/ZBA office
6/4/92 (PMB)

Department of Planning
& Development

124 Main Street
Goshen, New York 10924
(914) 294-5151

PETER GARRISON Commissioner
VINCENT HAMMOND Deputy Commissioner

ORANGE COUNTY DEPARTMENT OF PLANNING & DEVELOPMENT
239 L, M or N Report

This proposed action is being reviewed as an aid in coordinating such action between and among governmental agencies by bringing pertinent inter-community and Countywide considerations to the attention of the municipal agency having jurisdiction.

Referred by Town of New Windsor D P & D Reference No. NWT 14 92 M
County I.D. No. 80 / 6 / 12

Applicant Andoom Development Co.

Proposed Action: Area Variance - Insufficient street frontage

State, County, Inter-Municipal Basis for 239 Review Within 500 ft. of

Comments: The site does not appear to be within 500' of a Federal, State or County road.

In any event, there are no significant Inter-community or Countywide concerns to bring to your attention.

Related Reviews and Permits _____

County Action: Local Determination X Disapproved _____ Approved _____

Approved subject to the following modifications and/or conditions: _____

6/9/92

Date

Vincent Hammond
Deputy Commissioner

LYDECKER ENTERPRISES

LEIGH K. LYDECKER, JR., P.E.

94 LONG HILL ROAD

OAKLAND, N.J. 07436

1-201-337-4997

Rec'd.
ZBA 6/19/92
cc: ZBA
(PAB)

ZONING BOARD OF APPEALS
TOWN OF NEW WINDSOR
555 UNION AVENUE
NEW WINDSOR, NEW YORK 12553

RE: DENIAL OF BUILDING PERMIT SEC 80 BLOCK 6 LOT 12

GENTLEMEN;

15 JUNE 1992

ANDOOM DEVELOPMENT COMPANY MADE APPLICATION FOR A BUILDING PERMIT ON 26 MARCH 1992 TO BUILD A HOUSE ON BUILDERS LOT 238 ON BUTTERNUT DRIVE IN THE CLUSTER ZONE. THE LOT IS KNOWN AS SECTION 80 BLOCK 6 LOT 12 ON THE TAX MAP.

THE APPLICATION WAS DENIED BY THE BUILDING INSPECTOR ON 1 APRIL 1992 FOR INADEQUATE STREET FRONTAGE FOR THE CLUSTER ZONE. PLEASE NOTE THE DENIAL IDENTIFIES THE STREET AS CREAMERY DRIVE, BUT SHOULD BE BUTTERNUT DRIVE.

WITH REFERENCE TO THE STREET FRONTAGE I BRING TO THE BOARD'S ATTENTION THAT THE APPROVED DRAWINGS FOR THIS CLUSTER DEVELOPMENT REQUIRE THAT THE FRONTAGE AT THE BUILDING LINE BE A MINIMUM OF 80 FEET AS DETAILED ON THE OVERALL DRAWING AND DETAILED ON EACH OF THE TEN APPROVED SECTION DRAWINGS. THE PROPOSED BUILDING ON LOT 238 WILL ALSO MEET THIS 80 FOOT MINIMUM FRONTAGE REQUIREMENT AT THE BUILDING LINE.

PLEASE ALSO NOTE THAT THERE ARE ELEVEN HOUSES ON APPROVED LOTS IN THE DEVELOPEMENT THAT DO NOT HAVE 60 FOOT FRONTAGE, BUT DO MEET THE 80 FOOT MINIMUM AT THE BUILDING LINE.

AT THE PUBLIC MEETING OF THE BOARD ON MONDAY NIGHT 8 JUNE 1992 SEVERAL HOME OWNERS EXPRESSED CONCERN IN REGARDS TO THE SIGHT DISTANCE AND GRADE OF THE ROAD COMING UP FROM FORGE HILL ROAD.

THE BOARD REQUESTED THAT THE PROPERTY BE MARKED AT THE CURB TO ASSIST THE BOARD MEMBERS TO LOCATE THE AREA AT A SITE INSPECTION. THIS WAS DONE WITH FLAGS ON STAKES THE NEXT MORNING TUESDAY 9 JUNE 1992.

A SITE INSPECTION WAS ALSO MADE BY THE UNDERSIGNED. BUTTERNUT DRIVE HAS A 5.23% GRADE GOING NORTH OR COMING UP FROM FORGE HILL ROAD. THIS IS WELL BELOW THE 10% ALLOWABLE. THE ROAD THEN CROWNS AT THE SITE AND STARTS ON A 2.09% DOWN GRADE. THE ROAD WIDTH IS 24 FEET. THE BEND IN THE ROAD COMING UP NORTH ON BUTTERHILL DRIVE IS

35 DEGREES 32 MINUTES 59 SECONDS TO THE WEST. ALL IN ACCORDANCE WITH THE APPROVED SUBDIVISION DRAWINGS.

THE SIGHT DISTANCE LOOKING DOWN BUTTERNUT DRIVE FROM THE LOT TOWARD FORGE HILL ROAD IS 120 FEET. IF THE TOWN WERE TO CUT THE TALL GRASS AND VEGETATION ON THE SEWER EASEMENT THE SIGHT DISTANCE WOULD BE INCREASED.

IF THE SITE WAS DEVELOPED THE GRADING, CLEARING AND LANDSCAPING OF THE SITE WOULD IMPROVE THE DRAINAGE, SITE DISTANCE AND APPEARANCE OF THE PROPERTY.

THE SIGHT DISTANCE, GRADE AND CURVE IN THE ROAD ARE ALL WELL WITHIN THE REQUIREMENTS FOR A RESIDENTIAL DEVELOPMENT.

AFTER A REVIEW OF THE APPROVED DRAWINGS AND AN INSPECTION OF THE SITE IT IS APPARANT THAT ALL CONDITIONS AND REQUIREMENTS HAVE BEEN MET AND THAT THE SITE SHOULD BE ACCEPTED AS AN APPROVED BUILDING LOT.

VERY TRULY YOURS,



LEIGH K. LYDECKER JR. P. E.

OFFICE OF THE BUILDING INSPECTOR - TOWN OF NEW WINDSOR
ORANGE COUNTY, NY

NOTICE OF DISAPPROVAL OF BUILDING PERMIT APPLICATION

DATE: 26 MARCH 1992

APPLICANT: ANDROM DEV. Co. % Gerrit Lydecker, Pres.

33 Sweet Briar Rd.

Stamford, Conn. 06905

203-322-9719

PLEASE TAKE NOTICE THAT YOUR APPLICATION DATED 4-1-92

FOR (BUILDING PERMIT) NONE

LOCATED AT CREAMERY DR Butternut Dr.

ZONE CL

DESCRIPTION OF EXISTING SITE: SEC: 80 BLOCK: 6 LOT: 12

VACANT LAND

BUILDERS LOT #238

IS DISAPPROVED ON THE FOLLOWING GROUNDS: INADQUATE

STREET FRONTAGE FOR CL ZONE

HAS 35'-6" Needs 60' For A

VARIANCE OF 24'-6"

Harold Lili
BUILDING INSPECTOR

REQUIREMENTS		PROPOSED OR AVAILABLE	VARIANCE REQUEST
ZONE	<u>CL</u> USE <u>H</u>		
MIN. LOT AREA			
MIN. LOT WIDTH			
REQ'D FRONT YD			
REQ'D SIDE YD.			
REQ'D TOTAL SIDE YD.			
REQ'D REAR YD.			
REQ'D FRONTAGE	<u>60'</u>	<u>35'-6"</u>	<u>24'-6"</u>
MAX. BLDG. HT.-			
FLOOR AREA RATIO			
MIN. LIVABLE AREA			
DEV. COVERAGE			

Stamford, Conn. 06905

203-322-9719

PLEASE TAKE NOTICE THAT YOUR APPLICATION DATED 4-1-92
FOR (BUILDING PERMIT) NONE
LOCATED AT CREAMERY DR Butternut Dr.

ZONE CL
DESCRIPTION OF EXISTING SITE: SEC: 80 BLOCK: 6 LOT: 12

VACANT LAND
BUILDERS LOT #238

IS DISAPPROVED ON THE FOLLOWING GROUNDS: INADQUATE
STREET FRONTAGE FOR CL ZONE
HAS 35'-6" Needs 60' FOR A
VARIANCE OF 24'-6"

Robert Lisi
BUILDING INSPECTOR

REQUIREMENTS		PROPOSED OR AVAILABLE	VARIANCE REQUEST
ZONE	<u>CL</u> USE <u>H</u>		
MIN. LOT AREA			
MIN. LOT WIDTH			
REQ'D FRONT YD.			
REQ'D SIDE YD.			
REQ'D TOTAL SIDE YD.			
REQ'D REAR YD.			
REQ'D FRONTAGE	<u>60'</u>	<u>35'-6"</u>	<u>24'-6"</u>
MAX. BLDG. HT.			
FLOOR AREA RATIO			
MIN. LIVABLE AREA			
DEV. COVERAGE			

APPLICANT IS TO PLEASE CONTACT THE ZONING BOARD SECRETARY AT:
[REDACTED] TO MAKE AN APPOINTMENT WITH THE ZONING BOARD
OF APPEALS.

(414) 563-4630

CC: Z.B.A., APPLICANT, E.P. FILE

66-838
Name of Owner of Premises Schoonmaker Homes, J.S.I. INC.
Address 275 Rt. 17K Newburgh NY Phone 564-2252
Name of Architect Paul V. Coramo P.E. & Asso.
Address 2005 D St. Bldg. No. 704 New Windsor Phone 567-0063
Name of Contractor Schoonmaker Homes, J.S.I. INC.
Address 275 Rt. 17K Newburgh NY Phone 564-2252

State whether applicant is owner, lessee, agent, architect, engineer or builder.
If applicant is a corporation, signature of duly authorized officer.

Timothy J. Brown
(Name and title of corporate officer)

1. On what street is property located? On the West side of BUTTERNUT DRIVE
(N. S. E. or W.)
and 400' feet from the intersection of CREEKWAY DRIVE
2. Zone or use district in which premises are situated CL-1
3. Tax Map description of property: Section 80 Block 6 Lot 238 12
4. State existing use and occupancy of premises and intended use and occupancy of proposed construction
a. Existing use and occupancy b. Intended use and occupancy House
5. Nature of work (check which applicable): New Building ☒ Addition Alteration Repair Removal
Demolition Other
6. Size of lot: Front 144' Rear 103' Depth 87.52' Front Yard 50' Rear Yard 40' Side Yard 12'
Is this a corner lot? NO
7. Dimensions of entire new construction: Front 46' Rear 46' Depth 24' Height 23' Number of stories 1
8. If dwelling, number of dwelling units 1 Number of dwelling units on each floor
Number of bedrooms 3 Baths 2 Toilets 2
Heating Plant: Gas ☒ Oil Electric /Hot Air Hot Water ☒
If Garage, number of cars 2
9. If business, commercial or mixed occupancy, specify nature and extent of each type of use
10. Estimated cost \$5,000.00 Fee 275.00
(to be paid on filing this application)

Costs for the work described in the Application for Building Permit include the cost of all the construction and other work done in connection therewith, exclusive of the cost of the land. If final cost shall exceed estimated cost, an additional fee may be required before the issuance of Certificate of Occupancy.

IMPORTANT

REQUIRED INSPECTIONS OF CONSTRUCTION - YOU MUST CALL FOR THESE

Other inspections will be made in most cases, but those listed below must be made or Certificate of Occupancy may be withheld. Do not mistake an unscheduled inspection for one of those listed below. Unless an inspection report is left on the job indicating approval of one of these inspections, it has not been approved, and it is improper to continue beyond that point in the work. Any disapproved work must be reinspected after correction.

CALL ONE DAY AHEAD FOR ALL INSPECTIONS TO AVOID DELAYS - 565-8807

- 1-When excavating is complete and footing forms are in place (before pouring).
- 2-Foundation Inspection - check here for waterproofing and footing drains.
- 3-Inspect gravel base under concrete floors, and underslab Plumbing.

Address 275 Rt. 17K Newburgh NY Phone 564-2252

State whether applicant is owner, lessee, agent, architect, engineer or builder.

If applicant is a corporation, signature of duly authorized officer.

Timothy J. Brown
(Name and title of corporate officer)

1. On what street is property located? On the West side of Butternut Drive
(N. S. E. or W.)

and 400' feet from the intersection of Crescent Drive

2. Zone or use district in which premises are situated CL-1

3. Tax Map description of property: Section 80 Block 6 Lot 228 12

4. State existing use and occupancy of premises and intended use and occupancy of proposed construction

a. Existing use and occupancy b. Intended use and occupancy House

5. Nature of work (check which applicable): New Building X Addition Alteration Repair Removal
Demolition Other

6. Size of lot: Front 144' Rear 103' Depth 87.52' Front Yard 50' Rear Yard 40' Side Yard 12'

Is this a corner lot? NO

7. Dimensions of entire new construction: Front 46' Rear 46' Depth 24' Height 23' Number of stories 1

8. If dwelling, number of dwelling units Number of dwelling units on each floor

Number of bedrooms 3 Baths 2 Toilets 2

Heating Plant: Gas X Oil Electric /Hot Air Hot Water X

If Garage, number of cars 2

9. If business, commercial or mixed occupancy, specify nature and extent of each type of use

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(to be paid on filing this application)

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- 1-When excavating is complete and footing forms are in place (before pouring).
- 2-Foundation Inspection - check here for waterproofing and footing drains.
- 3-Inspect gravel base under concrete floors, and underslab Plumbing.
- 4-When framing is completed, and before it is covered from inside, and Plumbing rough-in.
- 5-Plumbing final & final. Have on hand Electrical Inspection Data per the Board of Fire Underwriters, and final certified plot plan. Building is to be complete at this time.

TOWN OF NEW WINDSOR, ORANGE COUNTY, N. Y.

Examined.....19.....
Approved.....19.....
Disapproved a/c.....
Permit No.

Office of Building Inspector
HOWARD COLLETT, Building Inspector
Town Hall, 555 Union Avenue
New Windsor, N. Y. 12550
Telephone 565-8807

Refer —

Planning Board.....
Highway.....
Sewer
Water
Zoning Board of Appeals

APPLICATION FOR BUILDING PERMIT

Pursuant to New York State Building Code and Town Ordinances

Date.....19.....

INSTRUCTIONS

- a. This application must be completely filled in by typewriter or in ink and submitted in duplicate to the Building Inspector.
- b. Plot plan showing location of lot and buildings on premises, relationship to adjoining premises or public streets or areas, and giving a detailed description of layout of property must be drawn on the diagram which is part of this application.
- c. This application must be accompanied by two complete sets of plans showing proposed construction and two complete sets of specifications. Plans and specifications shall describe the nature of the work to be performed, the materials and equipment to be used and installed and details of structural, mechanical and plumbing installations.
- d. The work covered by this application may not be commenced before the issuance of a Building Permit.
- e. Upon approval of this application, the Building Inspector will issue a Building Permit to the applicant together with approved set of plans and specifications. Such permit and approved plans and specifications shall be kept on the premises, available for inspection throughout the progress of the work.
- f. No building shall be occupied or used in whole or in part for any purpose whatever until a Certificate of Occupancy shall have been granted by the Building Inspector.

APPLICATION IS HEREBY MADE to the Building Inspector for the issuance of a Building Permit pursuant to the New York Building Construction Code Ordinances of the Town of New Windsor for the construction of buildings, additions or alterations, or for removal or demolition or use of property, as herein described. The applicant agrees to comply with all applicable laws, ordinances, regulations and certifies that he is the owner or agent of all that certain lot, piece or parcel of land and/or building described in this application and if not the owner, that he has been duly and properly authorized to make this application and to assume responsibility for the owner in connection with this application.

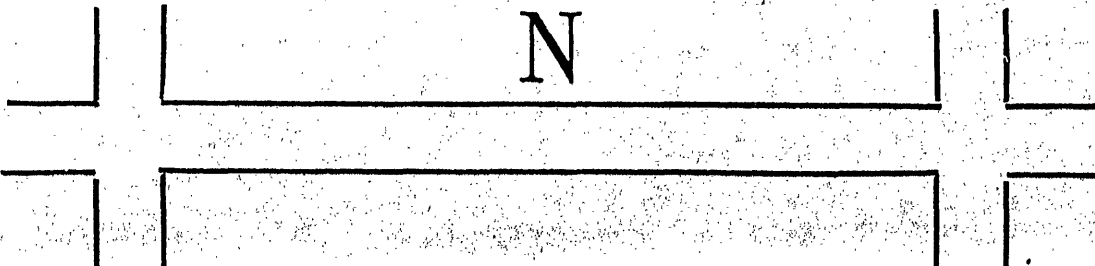
.....
(Signature of Applicant)

.....
(Address of Applicant)

PLOT PLAN

NOTE: Locate all buildings and indicate all set-back dimensions.

Applicant must indicate the building line or lines clearly and distinctly on the drawings.



Refer —
Planning Board.....
Highway.....
Sewer.....
Water.....
Zoning Board of Appeals

APPLICATION FOR BUILDING PERMIT

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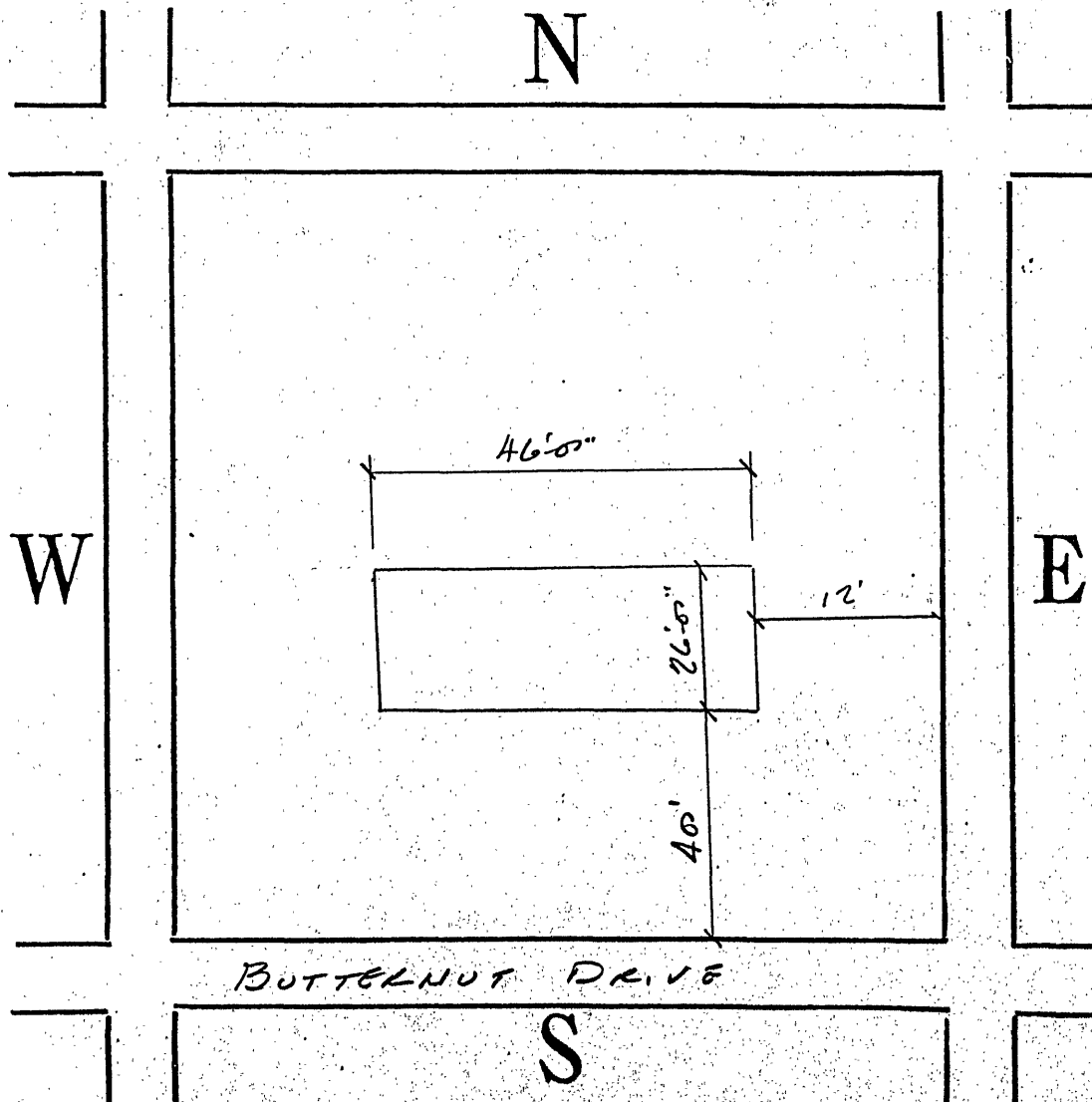
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(Signature of Applicant)

.....
(Address of Applicant)

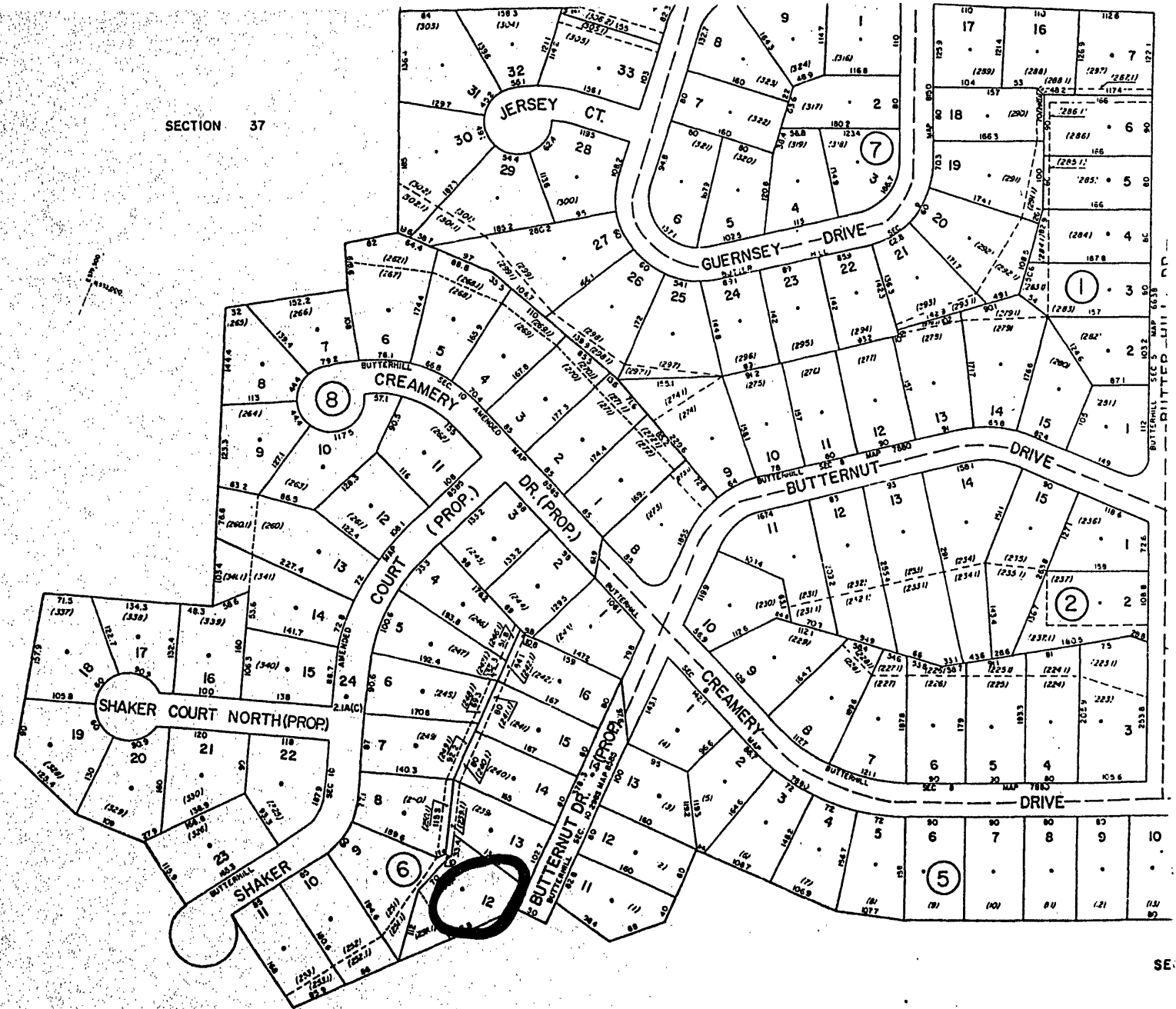
PLOT PLAN

NOTE: Locate all buildings and indicate all set-back dimensions.
Applicant must indicate the building line or lines clearly and distinctly on the drawings.



80-6-12

SECTION 37



1009

LEGEND

STATE OR COUNTY LINE	FILED PLAN LOT LINE	TAX MAP BLOCK NO.	FILED PLAN BLOCK NO.
CITY, TOWN OR VILLAGE	EASEMENT LINE	TAX MAP PARCEL NO.	FILED PLAN PARCEL NO.
BLOCK & SECTION LIMIT	MATCH LINE	AREA	STATE HIGHWAYS
SPECIAL DISTRICT LINE	STREAMS	DIMENSIONS (Feet)	COUNTY HIGHWAYS
PROPERTY LINE	GRID COORDINATE - CENTROID		TOWN ROADS

ORANGE COUNTY~NEW YORK

Photo No. 4-3233

Date of Map 9-10-64

Date of Photo 3-1-65

Date of Revision 3-1-88

Scale 1" = 100'

TOWN OF

Section No.

Prepared by
ORANGE CO. TAX MAP DEPT.
MAIN ST., GOSHEN, N. Y. 10924

FOR TAX PURPOSES ONLY

NOT TO BE USED FOR CONVEYANCE

TOWN OF NEW WINDSOR
ZONING BOARD OF APPEALS
APPLICATION FOR VARIANCE

91-33

Date: 5-18-98

I. ✓ Applicant Information:

NO CONTRACT
PURCHASER

- (a) STANDOOM DEVELOPMENT CO., INC. 90 GERRIT VDECKER
(Name, address and phone of Applicant) (Owner)
(b) 33 SWEETBRIAR LANE, STAMFORD, Conn. 06905
(Name, address and phone of purchaser or lessee)
(c) PHILIP A. CROTTY, ESQ., 343 TEMPLE HILL ROAD, NEW WINDSOR,
(Name, address and phone of attorney) NY 12553
(d) _____
(Name, address and phone of contractor/engineer/architect)

II. Application type:

- (☐) Use Variance (☐) Sign Variance
(☒) Area Variance (☐) Interpretation

III. ✓ Property Information:

- (a) CL 352 BUTTERNUT DRIVE. 80-6-12 1/2 ACRE +/-
(Zone) (Address) (S B L) (Lot size)
(b) What other zones lie within 500 ft.? NONE
(c) Is a pending sale or lease subject to ZBA approval of this application? YES -- TO SCHOONMAKER HOMES.
(d) When was property purchased by present owner? 1977
(e) Has property been subdivided previously? NO
(f) Has property been subject of variance previously? NO
If so, when? _____
(g) Has an Order to Remedy Violation been issued against the property by the Building/Zoning Inspector? NO
(h) Is there any outside storage at the property now or is any proposed? Describe in detail: NO

IV. Use Variance. N/A

- (a) Use Variance requested from New Windsor Zoning Local Law, Section _____, Table of _____ Regs., Col. _____, to allow: _____
(Describe proposal) _____

^{N/A}
 (b) The legal standard for a "use" variance is unnecessary hardship. Describe why you feel unnecessary hardship will result unless the use variance is granted. Also set forth any efforts you have made to alleviate the hardship other than this application.

V. ☒ Area variance:

(a) Area variance requested from New Windsor Zoning Local Law, Section 48-12, Table of Use/Bulk Regs., Col. H.

<u>Requirements</u>	<u>Proposed or Available</u>	<u>Variance Request</u>
Min. Lot Area		
Min. Lot Width		
Reqd. Front Yd.		
Reqd. Side Yd.		
Reqd. Rear Yd.		
Reqd. Street Frontage*		
Max. Bldg. Hgt.		
Min. Floor Area*		
Dev. Coverage* %		
Floor Area Ratio**		
Parking Area		

60

35.6'

24.6'

* Residential Districts only
 ** No-residential districts only

☒ (b) The legal standard for an "area" variance is practical difficulty. Describe why you feel practical difficulty will result unless the area variance is granted. Also set forth any efforts you may have made to alleviate the difficulty other than this application.

SEE ATTACHED

VI. Sign Variance: ^{N/A}

(a) Variance requested from New Windsor Zoning Local Law, Section _____, Table of _____ Regs., Col. _____.

	<u>Requirements</u>	<u>Proposed or Available</u>	<u>Variance Request</u>
Sign 1			
Sign 2			
Sign 3			
Sign 4			
Sign 5			

(b) Describe in detail the sign(s) for which you seek a variance, and set forth your reasons for requiring extra or over size

signs. ^{N/A}

(c) ^{N/A} What is total area in square feet of all signs on premises including signs on windows, face of building, and free-standing signs?

VII. Interpretation. ^{N/A}

- (a) Interpretation requested of New Windsor Zoning Local Law, Section _____, Table of _____ Regs., Col. _____.
- (b) Describe in detail the proposal before the Board:

✓VIII. Additional comments:

(a) Describe any conditions or safeguards you offer to ensure that the quality of the zone and neighboring zones is maintained or upgraded and that the intent and spirit of the New Windsor Zoning is fostered. (Trees, landscaping, curbs, lighting, paving, fencing, screening, sign limitations, utilities, drainage.)

SEE ATTACHED

✓IX. Attachments required:

- ☒ Copy of referral from Bldg./Zoning Insp. or Planning Bd.
- ☒ Copy of tax map showing adjacent properties.
- ☒ ^{N/A} Copy of contract of sale, lease or franchise agreement.
- ☐ Copy of deed and title policy.
- ☐ Copy(ies) of site plan or survey showing the size and location of the lot, the location of all buildings, facilities, utilities, access drives, parking areas, trees, landscaping, fencing, screening, signs, curbs, paving and streets within 200 ft. of the lot in question.
- ☒ ^{N/A} Copy(ies) of sign(s) with dimensions and location.
- ☒ Checks in the amount of \$ 50.00 ^{250.00} payable to TOWN OF NEW WINDSOR.
- ☐ Photographs of existing premises which show all present

X. Affidavit.

Date: 5-15-92

STATE OF NEW YORK)
) SS.:
COUNTY OF ORANGE)

The undersigned applicant, being duly sworn, deposes and states that the information, statements and representations contained in this application are true and accurate to the best of his/her knowledge or to the best of his/or information and belief. The applicant further understands and agrees that the Zoning Board of Appeals may take action to rescind any variance granted if the conditions or situation presented herein are materially changed.

Androm Development Co., Inc.
x Amit V. Gidhani, Pres.
(Applicant)

Sworn to before me this 20th
_____ day of May, 1992.

XI. ZBA Action:

(a) Public Hearing date: _____

(b) Variance: Granted ☐ Denied ☐

(c) Restrictions or conditions: _____

[Signature]
Notary Public
Expires 3-30-92

NOTE: A FORMAL DECISION WILL FOLLOW UPON RECEIPT OF THE PUBLIC HEARING MINUTES WHICH WILL BE ADOPTED BY RESOLUTION OF ZONING BOARD OF APPEALS AT A LATER DATE.

(ZBA DISK#7-080991.AP)

Andoom Variance application; V (b):

The practical difficulty that will result is that I shall not be able to construct a house on Lot 238, which is the last lot in the Butter Hill subdivision of 330 houses. Lot 238 with its abbreviated road frontage appears the way it did on the original approved map, which was a cluster plan approved by the New Windsor Town Board and the New Windsor Planning Board. At all times prior to this application, Lot 238 has been considered a building lot; however, at this time the Building Inspector is concerned that a variance is necessary to be sure that no problems arise in the future.

It may be noted that this is not a unique situation for each lot in the Butter Hill subdivision that fronts on a cul-de-sac has reduced frontage in accordance with the cluster plan.

The situation with regard to Lot 238 is that the New Windsor sewer trunk line cuts off approximately 109 feet of road frontage that Lot 238 would otherwise own. I gratuitously dedicated that land for the sewer trunk line to the Town of New Windsor. For practical purposes the 109 feet of frontage does not inure to the benefit of anyone except Lot 238.

There will be no problem with the house to be constructed on Lot 238, if this variance is granted. It is actually a large, almost corner-like lot on Butternut Drive, and taken together with its sister lot, 238.1 fronts on approximately 229 feet of frontage that is either road or sewer trunk land owned by the Town.

VIII. The house will be constructed similar to all the other houses in the Butter Hill subdivision. The road, curbs, sewer, drainage, and lighting are all in place and functioning well. The house will be delivered with a grass lawn. It will be another very attractive house in New Windsor.

Date 6/15/72, 19.....

TOWN OF NEW WINDSOR

TOWN HALL, 555 UNION AVENUE
NEW WINDSOR, NEW YORK 12550

TO Frances Ruth 389 Moores Hill Rd DR.
New Windsor, NY 12553

DATE		CLAIMED	ALLOWED
6/8/92	New Windsor Zoning Board	75	00
	Reed - pgs - 5 pgs		
	Fitzgerald - 4 pgs		
	Borden - 5 pgs		
	Anderson - 5 67.50		
	Bonet - 5		
	AA -		
		225	00

STATE OF NEW YORK,
TOWN OF NEW WINDSOR

} ss.

I hereby certify, that the items of this account are correct; that the disbursements and services charged therein have in fact been made and rendered, and that no part thereof has been paid or satisfied, that the amount herein mentioned is in full settlement for all services rendered and materials furnished.

Sign Here

Francis R. [Signature]

No.

Town of New Windsor

Nature

Amount Claimed \$

Amount Allowed \$

Filed

I hereby certify that at a meeting of
said Town Board held at the office of the
Town Clerk on the day

of, 19

the within claim was audited and allowed
for the sum of

\$

Clerk

June 8, 1992

ANDOOM DEVELOPMENT CO., INC.

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Mr. Gerrit Lydecker came before the Board representing this proposal.

MR. FENWICK: Request for 24.6 ft. street frontage in order to conform to bulk regulations for buildable lot at 352 Butternut Drive in a CL zone.

MR. FENWICK: Are there people here in reference to this?

MR. LUCIA: Mr. Lydecker, you're a principal in Andoom Development?

MR. LYDECKER: Yes.

MR. LUCIA: What's your position?

MR. LYDECKER: President. This the last lot in Butterhill for which we're building. When the Planning Board approved this lot, and on the basis of that approval, we deeded this easement to the Town where that trunk sewer line goes through. Had we suspected or known there'd be any problem, we could have extended that line here and just had the easement as part of the lot. But in the agreement you know back ten years ago when we discussed it with the Town, that's how they suggested that it be done. And it was done that way and the lot was approved by the Town as a building lot. It just happens to be the last one that we didn't do anything with when we had the better building climate. Now we have a chance to build on it and the building permit was denied and we're asking for the approval of a variance.

MR. NUGENT: Which lot is it?

MR. LYDECKER: Right here.

MR. LUCIA: Just for the record, could you refer to that lot by a number on the map or something? We only have written record, the trunk sewer line goes through a lot with a number or sub-number on it?

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MR. LYDECKER: It's lot #238.

MR. LUCIA: Is there a separate number on the part of the lot that has the sewer trunk on it?

MR. LYDECKER: No, let me show you on that, the sewer lot comes through right here, this was dedicated, we gave that to the Town, 238.1 is a part of the lot which was restricted from building on.

MR. LUCIA: That's not the trunk part?

MR. LYDECKER: No.

MR. LUCIA: Just for the record Mr. Lydecker is indicating trunk sewer runs to the southeast of lot 238.

MR. LYDECKER: Parallel to that portion.

MR. NUGENT: All he's asking for is road frontage. Why is there a problem with road frontage?

MR. LUCIA: Because the only physical road frontage this lot has is some 38 feet along Butternut Drive, the rest of the road frontage was taken up by the sewer trunk line and as he says had they realized the problem and they'd be able to squeeze out a little more frontage but the line comes in pretty close.

MR. FENWICK: What's the square footage?

MR. LYDECKER: I don't have that figure.

MR. LEE LYDECKER: It's at least 12,500.

MR. BABCOCK: It's over the allowable.

MR. NUGENT: It appears to be one of the bigger lots on the plot plan.

MR. LYDECKER: Here are some photos of the lot.

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MR. LUCIA: Mr. Lydecker, this sewer line easement was given gratuitously to the Town?

MR. LYDECKER: Yes. The easement was given actually we actually then went a step further and dedicated the land.

MR. LUCIA: And again without a consideration?

MR. LYDECKER: Yes.

MR. TORLEY: Maybe I can show you if the audience has any questions, it that can be held the other way or tacked on the board so we can see what we're talking about, it may solve some problems.

MR. LYDECKER: 238 is right here and there's less than the standard street frontage here because what happened is we gave this property to the Town in addition to the property for Butternut Drive so that, the rock wall starts further down but it comes toward that rock wall. Everybody is familiar with where that is, right?

MR. LUCIA: Can you explain to the board what significant economic injury your company would face from the strict application of the ordinance to this lot?

MR. LYDECKER: Well, we of course put in the improvements based upon, you know, that being a building lot, he put in the stems for the sewer and the electric and if it's not a building lot, it's really of zero value to anyone.

MR. LUCIA: Except possibly to a neighbor, I guess.

MR. LYDECKER: Well, a neighbor has this full lot I don't, that's --

MR. FENWICK: You're saying the lot is in excess of 12,500 square feet?

MR. LYDECKER: Oh, yes, definitely.

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MR. FENWICK: Any questions from the members of the board?

MR. NUGENT: No.

MR. TANNER: No.

MR. LUCIA: This is another matter unfortunately which this board cannot vote on tonight. It was also County referral required on this under General Municipal Law 239 M. That referral was made on May 21, less than 30 days have elapsed. We do not yet have a response from the County so we're going to have to adjourn until the 30 days elapses or the County replies, whichever may happen first.

MR. LUCIA: The public hearing is adjourned and when the board reconvenes it will be open once again if you decide you want to speak again, you're welcome to since you're here now, if you have comment that's relevant, please make it. This applies to anyone that may want to speak to this issue. I have no specific knowledge of what anyone's objections or comments may be, although I should point out that the only issue that's relevant before this board is the deficient lot frontage. The Zoning Board of Appeals sits very much as a court, has very limited jurisdiction, we can only pass upon matters that are appealed to us by virtue of some determination down lower in the municipality. In this case the building inspector denied a building permit to the applicant so he is here appealing that determination and in effect asking that he be granted a building permit for less than the required lot frontage. That's the issue we need you to speak to when the chair recognizes you.

MR. FENWICK: At this time, I'll open it up to the public. Raise your hand to be recognized, state your name, address. Since the first person we hear will be new to us, anybody after that please listen to what the person ahead of you said. Don't be repetitious. We don't want to hear the same thing over and over again. As the attorney spoke about we're addressing one thing only and that's frontage. Everything else this

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property has met under the law so that's what we're up against, that's what we're addressing only is lack of frontage for the property. I'll now open it up to the public.

VINCENT ARCARO: 5 Shaker Court. There's an inherent danger with the lack of frontage there, obstruction of view coming around that turn, that turn is very dangerous. There's 23 1/2 feet from curb to curb which is just about enough for 2 cars to pass. There's already been almost numerous accidents if there hasn't been any accident that I don't know about. The wall helps to obstruct the view around there on top of the lack of control of the weeds or whatever else is around that turn. To put an outlet for a driveway onto the apex of that curve would be an accident waiting to happen and I don't know whose shoulders that responsibility would rest on. That's about all I have to say.

MR. FENWICK: Let me ask you this since you're familiar with the property, you're also familiar with the right-of-way or the easement that we're speaking of that's in front that was deeded over to if in fact this property came straight out onto that road, would a problem still exist?

MR. ARCARO: I don't know if I quite follow you.

MR. LUCIA: Come up and look at the map and Mr. Lydecker can show you where the easement comes in front.

MR. LYDECKER: If in property line came straight out to the street then there would be--

MR. ARCARO: Where would you plan on letting the driveway out? No matter where you come, it's going to be around a blind turn that's going to be an accident. I would also assume that there's going to be kids involved?

MR. FENWICK: That's what I'm asking you.

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MR. ARCARO: I don't think it would make a darn bit of difference no matter where you let that driveway out that turn is flat out dangerous route without a driveway, you put a driveway, I guarantee you within a month there's an accident.

MR. LUCIA: If I understood you correctly Mr. Arcaro, you're saying even if this lot had that addition the 109 feet of road frontage the same problem would exist locating a driveway anywhere in that area?

MR. ARCARO: Yes.

MR. LUCIA: Thank you.

MR. FENWICK: Anyone else?

TOM HANNON: 101 Shaker Court North, I don't want to repeat it, just the fact that the radius there on that one side is about 85 feet, it's a very sharp turn with that sharp of a radius, the view is totally obstructed with the gavion (phonetic) wall even if you cut back that going in a northerly direction on Butternut, you'd have no way of seeing anything coming around that corner. Right now you can't see what's coming around the other way.

MR. LUCIA: Is there a posted speed limit in there?

MR. ARCARO: I think it's supposed to be 30 but most people do a little bit more than that. It's a major artery coming into the subdivision.

MR. FENWICK: Mr. Lydecker could you bring that down for us please?

MR. TORLEY: Sir, so if I understand your problem, it's not so much the narrow lot as it is a question of safety.

MR. ARCARO: There's going to have to be a driveway there, am I correct? That means that the car--it's dangerous.

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MR. HANNON: What's the standard width of the roadway coming in off a subdivision curb to curb?

MR. LUCIA: The right-of-way is 50 feet, road surface something considerably less than that.

MR. HANNON: Curb to curb?

MR. LUCIA: Normally 24, normally it's 24 feet but you can find it varies.

MR. HANNON: For a major artery coming into a subdivision? Most I've seen it's 27 that I know of.

MR. FENWICK: Mr. Lydecker, questions on the smaller lots here these are just nothing now, they're just vacant lots?

MR. LYDECKER: No, these are additional land. They're deeded to this but restricted from, you cannot build on that.

MR. FENWICK: Is the property sloped? Is that what makes it so hard to see.

LEE LYDECKER: I'm an officer of the company also. The reason that that street with the center line was moved is because the County and the Town were very concerned about stabilizing that bank. It was quite a steep bank going down there to the river. And by moving that center line as it was built and as it shows on that drawing, we were able to build that, construct that road without putting fill over the bank.

MR. LUCIA: The road comes up to this line, is it flat out over on the grade?

LEE LYDECKER: There's still a grade coming up, the drawing below there shows the grade coming up.

MR. FENWICK: This picture photo that we're looking at here where it shows lower grass and woods, is this the lot here, is this what we're looking at here?

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MR. LYDECKER: This is the lot.

MR. FENWICK: So the actual high weeds or whatever are not in this lot.

MR. LYDECKER: Well, they extended over. Just beyond that, the wall starts over here.

MR. BABCOCK: Maybe we can suggest that the applicant mark the driveway location out on the curb for you if you are going to do a site visit this way you can know.

MR. LYDECKER: The driveway would be coming out on this side close to the fire hydrant.

MR. LUCIA: That's the uphill side?

LEE LYDECKER: Yes. You've got a utility box at the junction of the two, Central Hudson of the gas and electric and the driveway would be just south of that utility box. The other thing is that when that lot is developed, the lands would be cut down for that driveway to get a proper grading into the development. And those weeds that are shown that tall grass what not will be cut down and trimmed because the home owner would have that into part of the lawn. And I know that as we were building in there the people that live next to that lot were very anxious to get that developed and graded so it would improve their site and they were after me for a good many times and we thought it was going to be built long before that.

CARMEN MORFE: 350 Butternut Drive, I live on that site and I've lived there four years in August.

MR. FENWICK: Could you please come up here?

MR. LUCIA: You have the immediately adjacent lot?

MRS. MORFE: Yes.

MICHAEL MORFE: 350 Butternut.

MR. LUCIA: Just for the record, your lot would be

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MR. MORFE: Yes.

MRS. MORFE: We have lived there four years and recognized that this is a dangerous curve and we have asked the Town to put in speed limit signs, speed bumps children playing signs and they've all said no, sorry we can't do that. To add something else onto the curb on to the actual where there's, what happens people are coming down Forge Hill Road making a left and accelerate, go up Butternut Drive and then turning totally blind you can't see what's going on. We pulled out of our driveway and it's very dangerous as it is, I'm not on the curb, I'm beyond, I don't see where he's going to put the driveway because there's a fire hydrant.

MR. MORFE: This is very steep is this is an easement.

MR. FENWICK: This is the road, the easement.

MR. MORFE: It goes up to perhaps 40 feet at its peak and there's very little ability to see coming up and around that curb.

MR. LUCIA: Would that indicate the approximate location of the fire hydrant?

MR. MORFE: You can see it in these pictures. It's right here. If he's building a driveway next to that what happens to the fire hydrant? There's not that much room.

MR. FENWICK: That's where he is supposed to go.

MR. MORFE: There's one other comment that could be made here, it's very difficult to see from this picture, just to the, when you're looking at it to the right of this driveway, is cement drainage barrier.

MR. FENWICK: That's what they were just talking about, the wall.

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MR. MORFE: It's extremely difficult to build a driveway that would not completely change the grading of all the drainage passages that have evolved over the last four years.

MR. LUCIA: The hydrant is just about on the town property line, if this indication on the map is just about accurate so the driveway could conceivably come in as close to the hydrant as you can get here, your side of the property. Are you saying there's still a sight distance problem even with that?

MR. MORFE: There absolutely is if you can come out to the site and see that you would see how dangerous.

MR. LUCIA: I think the board members probably will take a look at the sight not as an entirety but individually we'll take a ride by we're going to have to adjourn this. The board can't vote so it gives them several weeks to go out and take a look.

MR. TORLEY: Seeing this I'm glad we're going to have to adjourn because without seeing that piece of property and the curb I couldn't vote.

MR. TANNER: Do you have stakes staking out the property lines at the present time there so when we do go out we know what we're looking at?

LEE LYDECKER: As far as driveway goes there's a transformer box put in by Central Hudson, there's a box by the phone company and box by cable T.V. on the property line next that there's a hydrant and then just down a little bit from that, there's a catch basin. The driveway would be between those two.

MR. TANNER: What I am talking about is the total frontage is not just the driveway so when you go out there you can see that you are starting here and the other property line goes over here and we know exactly what we're looking at.

MR. LYDECKER: It's not staked right now.

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MR. HANNON: There's a house already staked out there. Last year surveyors came out and laid out a house that will give you an approximate area. There was a house staked out there last year if you get up and walk through the weeds you should be able to spot the weeds.

MR. LUCIA: The board is interested in the frontage being staked because that's the only thing that's relevant.

MR. TANNER: I just want to know when I look at it this is one side of the property line this is the other said.

LEE LYDECKER: I don't think there's stakes in there now.

MR. TANNER: Could you put maybe some paint lines on the curb so we'll know what we're talking about?

MR. TORLEY: Even though the road frontage falls immediately under jurisdiction clearly it's the public health and safety is one of the factors we have to consider so the road frontage is just one of the items.

MR. TANNER: I have no what other way of looking at it.

MR. NUGENT: We have to go look at this.

MR. LUCIA: Can we have that staked or painted before the board goes out there? Is that possible.

LEE LYDECKER: Yes.

MR. HANNON: I'd just like to make one more point if that frontage was extended or whatever, with the slope of that hill where the wall is now, there'd probably have to be a retaining wall to go in place of that because it's so steep so even that would still block the view.

LEE LYDECKER: We engineered that lot and there'd be no drainage, it would be improved.

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MR. FENWICK: The problem that I am having with that is that the Town basically with the work of the Mr. Lydecker or whatever created a building lot in here or allowed them to create a building lot. We have an approved subdivision with this lot as an approved lot. Am I looking at that the correct way?

MR. LUCIA: That's correct although when the applicant came in the last time we discussed several remedies we could pursue in regard to this. I think one of them was pursuing building inspector on the denial of the building permit I suppose that's the avenue in which they would try and force their entitlement to a building permit without having to apply for a variance. For cost or reasons of expediency the applicant chose to come for a variance. Although certainly the fact that the Planning Board once approved this subdivision was a factor I'm not sure that on this application is determinative of the outcome. It's certainly something we should consider but it's a different application if the applicant were just proceeding on a building permit saying I don't really need a variance here, I'm entitled to a building permit based on the prior Planning Board approval that's a different case.

MR. FENWICK: Let me ask you this and I don't need a lot of comments. There are no signs, no speed limit signs, no caution, there's a curb here, no children at play? I'm just doing this for the record.

MR. ARCARO: Nothing. If I can add one more thing, Vince Arcaro, 5 Shaker Court, the street lights along that whole length have never worked properly since the street was opened or taken over or whatever, however you want to word it. Which doesn't add to the or which does add to the--

MR. LUCIA: Has a complaint been made to the Town?

MR. ARCARO: The Town tells us to call Central Hudson, Central Hudson tells us it's your problem and who's holding the bag, us. If that's the case, maybe something can be done.

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MR. FENWICK: The light was put in by the developer?

MR. ARCARO: Yes.

LEE LYDECKER: Yes, the Town specified those lights. We've had problems with those lights in the past. I did not know they had problems on those particular lights but they were working when I left the area if they have gone out since then they were working at one time.

MR. LUCIA: It's not been dedicated so it is the Town's problems.

MR. TORLEY: Unless they're called decorative and not street lights.

MR. BABCOCK: It's street lights.

MR. FENWICK: I'm not finding so many problems with this light as I'm finding problems with the situation. Anyone else with any comments?

FRANK QUINN: 342 Butternut. Now, just for the record not to repeat the safety factor I've had numerous occasions where I have been proceeding on Butternut Drive north heading up to the top where that bend is, numerous occasions I've almost had an accident on that bend because of the blind spot and this is totally irregardless of the lot at hand. At night it's still bad but at least you can see the headlights coming around the bend. In the daylight as you proceed to the top of the hill, I've had occasions where there's been cars coming in the other direction on my side of the road. Strictly looking at it from the width of the road at that bend, it's a serious, serious safety factor to think about putting a driveway in there with potential for children and other people that could possibly be walking along that stretch of the road is looking at disaster waiting to happen. And for the record, I just want to make that known that strictly just from the road it's not dealing with the wall or the lot that it's definitely a problem and as far as design, I really thought that the Town has to make a

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trip out there and take a look at the severity of that corner.

MR. FENWICK: Unfortunately it's beyond the realm of this board to do anything about that. We're looking strictly at this lot and probably this is my own opinion but probably if the lot lines came out the property was not deeded to the Town, there'd probably be a house on that right now. Right or wrong, I don't know. We definitely have a problem with the Town and I'm planning on making them aware of it. That's the only thing I can do.

MR. FENWICK: You have already done that. I don't know what else we're going to do. We're not going to vote on this matter tonight. The members of the board are going to go out and take a look. If there's anyone else in the audience that has comment, please don't be repetitious because it just adds into it. If there aren't anymore comments, we're going to adjourn this public hearing.

RAY VILLAFANE: Is there going to be a reopening of this hearing? Ray Villafane, 171 Shaker Court.

MR. FENWICK: Yes, there is.

MR. VILLAFANE: I would like to be able to attend the next session.

MR. FENWICK: There's nothing that will ever prevent you from attending a session of this board, I can tell you right now, with any luck or one way or the other we'll have to hear from the County by the next meeting. So, this is only going to be adjourned to the next meeting. We have to hear from the County by the 21st of this month. The next meeting is the 22 of June and this meeting, this public hearing right now will only be adjourned until that time.

JIM DUQUETTE: I live at 7 Shaker Court. I don't understand what the County is going to tell you as far as the ramifications of the frontage on the property.

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MR. FENWICK: Mr. Duquette, I'll tell you right now what the County is going to tell us, nothing.

MR. TORLEY: You're required by law.

MR. FENWICK: You're required by law to wait till they give us a comment which is the same comment I have been receiving for 17 years I have been on this board and it doesn't matter where it is.

MR. LUCIA: This board has no jurisdiction to vote until the 30 days is elapsed or the County has commented.

MR. FENWICK: Motion to adjourn this public hearing?

MR. TORLEY: I'll make that motion.

MR. TANNER: I'll second it.

ROLL CALL

MR. NUGENT	AYE
MR. TANNER	AYE
MR. TORLEY	AYE
MR. KONKOL	AYE
MR. FENWICK	AYE

ZONING BOARD OF APPEALS : TOWN OF NEW WINDSOR
COUNTY OF ORANGE : STATE OF NEW YORK

-----X
In the Matter of Application for Variance of

Andoom Development Corp., Inc.

Applicant.

AFFIDAVIT OF
SERVICE
BY MAIL

91-33.
-----X

STATE OF NEW YORK)

) SS.:

COUNTY OF ORANGE)

PATRICIA A. BARNHART, being duly sworn, deposes and says:

That I am not a party to the action, am over 18 years of age and reside at 7 Franklin Avenue, New Windsor, N. Y. 12553.

On May 21, 1992., I compared the 43 addressed envelopes containing the attached Notice of Public Hearing with the certified list provided by the Assessor regarding the above application for variance and I find that the addressees are identical to the list received. I then mailed the envelopes in a U. S. Depository within the Town of New Windsor.

Patricia A. Barnhart
Patricia A. Barnhart

Sworn to before me this
21st day of May, 1992.

Deborah Green
Notary Public

DEBORAH GREEN
Notary Public, State of New York
Qualified in Orange County
4984065
Commission Expires July 15, 1993

(TA DOCDISK#7-030586.AOS)

ORANGE COUNTY DEPARTMENT OF PLANNING
APPLICATION FOR MANDATORY COUNTY REVIEW
OF LOCAL PLANNING ACTION

(Variances, Zone Changes, Special Permits, Subdivisions, Site Plans)

Local File No. 91-33

1. Municipality Town of New Windsor Public Hearing Date 6/8/92
☐ City, Town or Village Board ☐ Planning Board ☒ Zoning Board

2. Owner: Name Andoom Development Co.
Address 33 Sweet Briar Rd., Stamford, Connecticut 06904

3. Applicant*: Name S
Address _____

* If Applicant is owner, leave blank

4. Location of Site: Forge Hill Road.
(street or highway, plus nearest intersection)

Tax Map Identification: Section 80 Block 6 Lot 12

Present Zoning District CL Size of Parcel 1/3 acre ±

5. Type of Review:

Special Permit: _____

Variance: Use _____

Area Insufficient street frontage (const. single-fam. res. dwelling).

Zone Change: From _____ To _____

Zoning Amendment: To Section _____

Subdivision: Number of Lots/Units _____

Site Plan: Use _____

5/21/92
Date

Patricia A. Bankhart, Secy.
Signature and Title



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TOWN OF NEW WINDSOR

555 UNION AVENUE
NEW WINDSOR, NEW YORK 12553

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April 28, 1992

Gerritt V. Lydecker
33 Sweet Briar Rd.
Stamford, CT 06905

Re: Variance List 500 ft./ 80-6-12
Owner: Andoom Development Corp.

Dear Mr. Lydecker:

According to our records, the attached list of property owners are within five hundred (500) ft. of the above referenced property.

The charge for this service is \$65.00, minus your deposit of \$25.00. Please remit balance of \$40.00 to the Town Clerk's Office.

Sincerely,

LESLIE COOK
Sole Assessor

LC/cad
Attachment

cc: [Redacted]

Noble, James R. & Maureen P.
340 Butternut Dr.
New Windsor, NY 12553

Burns, Michael J. & Joanne E.
104 Creamery Dr.
New Windsor, NY 12553

Rettagliata, Richard & Mariann
106 Creamery Dr.
New Windsor, NY 12553

Olivo, Joseph T. & Cynthia L. Weiss
108 Creamery Dr.
New Windsor, NY 12553

Feinstein, Joel & Gloria
335 Butternut Dr.
New Windsor, NY 12553

Cantor, Denis & Mary
Prel Gardens Apt. 5-E
Orangeburg, NY 10962

Casey, John L. & Geraldyn M.
111 Creamery Dr.
New Windsor, NY 12553

Hubbard, Mavourneen A. & James T. Sr.
109 Creamery Dr.
New Windsor, NY 12553

Niforopulos, Carmen
107 Creamery Dr.
New Windsor, NY 12553

Burke, Redmond P. Jr. & Eileen P.
2287 Johnson Ave. #10A
Bronx, NY 10463-6412

Kopman, Robert & Jamene
345 Butternut Dr.
New Windsor, NY 12553

Reid, Thomas J. & Jacqueline M.
343 Butternut Dr.
New Windsor, NY 12553

Ubriaco, Michael J. & Kathleen
341 Butternut Dr.
New Windsor, NY 12553

Quinn, Francis E. & Nancy T. Shannon
342 Butternut Dr.
New Windsor, NY 12553

Fara, Robert J. & Christine M.
117 Creamery Dr.
New Windsor, NY 12553

Hoey, Leonard X
1 Shaker Ct.
New Windsor, NY 12553

Pullano, Anthony & Pauline
3 Shaker Ct.
New Windsor, NY 12553 X

Arcaro, Vincent & Sandra
5 Shaker Ct. X
New Windsor, NY 12553

Duquette, James R. & Judy A. X
7 Shaker Ct.
New Windsor, NY 12553

Perretti, Donald J. & Gina X
9 Shaker Ct.
New Windsor, NY 12553

Villafane, Rafeal E. & Linda
11 Shaker Ct. X
New Windsor, NY 12553

Foschini, Errol & Emilia X
13 Shaker Ct.
New Windsor, NY 12553

Stone, Howard & Kathleen X
15 Shaker Ct.
New Windsor, NY 12553

Zimmerman, Robert P. & Mary Ellen
17 Shaker Ct. X
New Windsor, NY 12553

Morfe, Michael E. & Carmen P.
350 Butternut Dr. X
New Windsor, NY 12553

Herlihy, Dennis & Mayer, Susan
348 Butternut Dr. X
New Windsor, NY 12553

Cazzolla, Keith & Karen X
346 Butternut Dr.
New Windsor, NY 12553

Brown, Patrick J. & Robin L. X
344 Butternut Dr.
New Windsor, NY 12553

Vassallo, Frank S. & Velia X
116 Creamery Dr.
New Windsor, NY 12553

Petronzio, Mark D. & Barbara
2 Shaker Ct.
New Windsor, NY 12553 X

Cabrera, Ronald & Marie A.

4 Shaker Ct.

New Windsor, NY 12553

Lakritz, Mark N. & Sheila J.

6 Shaker Ct.

New Windsor, NY 12553

Hebert, Fernand H. Jr. & Claudette S.

8 Shaker Ct.

New Windsor, NY 12553

Kuo, Livingston & Miaw-Hwa Susan

235 Blooming Grove Tpke.

New Windsor, NY 12553

Seto, Wing & Lois

104 Shaker Ct. N

New Windsor, NY 12553

Harrison, Glen C. & Laura Kay

106 Shaker Ct. N

New Windsor, NY 12553

Kane, Michael S. & Patricia A.

105 Shaker Ct. N

New Windsor, NY 12553

Dolan, Raymond P. & Virginia M.

103 Shaker Ct. N

New Windsor, NY 12553

Hannon, Thomas M. & Kathleen A.

101 Shaker Ct. N

New Windsor, NY 12553

Cossavella, Dominick & Irmgard

14 Shaker Ct.

New Windsor, NY 12553

Cornwall Paper Mills Co.

300 Executive Dr.

Suite # 360

West Orange, NJ 07052

The McQuade Foundation

P.O. Box 4064

New Windsor, NY 12553

Order of St. Helena

P.O. Box 426

Vails Gate, NY 12584

PLS. PUBLISH IMMEDIATELY. SEND BILL TO: ANDOOM DEVELOPMENT CORP. INC.
33 Sweet Briar Road
Stamford, CT 06905
Attn: Gerrit V. Lydecker

PUBLIC NOTICE OF HEARING BEFORE
ZONING BOARD OF APPEALS
TOWN OF NEW WINDSOR

PLEASE TAKE NOTICE that the Zoning Board of Appeals
of the TOWN OF NEW WINDSOR, New York will hold a
Public Hearing pursuant to Section 48-34A of the
Zoning Local Law on the following proposition:

Appeal No. 33

Request of ANDOOM DEVELOPMENT CO., INC.

for a VARIANCE of

the regulations of the Zoning Local Law to

permit construction of a single-family house on a
lot with less than the minimum required street
frontage;

being a VARIANCE of

Section 48-12 - Table of Use/Bulk Regs.-Col. H

for property situated as follows:

Lot 238, Butter Hill Subdivision known as 352 Butternut

Drive, Town of New Windsor (known and designated as

tax map Section 80 - Block 6 - Lot 12).

SAID HEARING will take place on the 8th day of
June, 1992, at the New Windsor Town Hall,
555 Union Avenue, New Windsor, N. Y. beginning at
7:30 o'clock P. M.

RICHARD FENWICK
Chairman

By: Patricia A. Barnhart, Secretary